ORDINANCES PENDING CODIFICATION
Ordinances listed under this folder in the table of contents to the left, have been passed, but have not been incorporated in the actual code. Please contact the office of the clerk if there are any questions concerning the ordinances listed.

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 1701

AN ORDINANCE AMENDING TITLE 9 CHAPTERS 3, 4 AND 5

OF THE PLACERVILLE MUNICIPAL CODE (Public Parking Facilities)

The City Council of the City of Placerville does ordain as follows:

Title 9, Chapters 3, 4 and 5 of the Placerville Municipal Codes shall be amended as shown in the attached documents.

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville on November 12, 2019, by Councilmember Taylor, seconded by Councilmember Thomas, and the reading of said Ordinance was waived. The second reading of the Ordinance was also waived on December 10, 2019. Councilmember Taylor moved for adoption of the Ordinance seconded by Councilmember Borelli, and a poll vote was taken which stood as follows:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Mark A Acuna

ATTEST:

_____

Regina O'Connell, City Clerk

9.3.1 - NO-PARKING AREAS.

A. No operator of any vehicle shall stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal or as otherwise provided herein:

1. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

2. On either side of any street between the projected property lines or designated limits of any public walk, crosswalk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

3. In any area where the city engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

4. In any area established by resolution of the council, as a no-parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

5. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

6. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway, or the installation of underground utilities, or where the use of street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size, and parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking;

7. At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface;

8. Within twenty feet of the approach of any traffic signal, stop sign, or official electric flashing device;

9. On all unimproved public property of the city where the city engineer has by appropriate signs so indicated the area to be a no-parking area;

10. On any alley for any purpose other than the loading and unloading of persons or materials except if appropriately marked for parking;

11. There shall be no parking on public or private property designated and posted for a fire lane pursuant to the provisions of the Uniform Fire Code as adopted by the city.

12. There shall be no parking allowed on any street where the area for parking causes the vehicle to cross the fog line, or on those streets where no fog line exists, encroaches into the lane of travel in such a manner as to create an unsafe condition.

B. When said curb markings or signs are in place no operator of any vehicle shall stop, stand or park a vehicle adjacent to any legible curb marking or sign in violation of any of the provisions of this title.

9-3-2: PARKING IN DESIGNATED SPACES ONLY:

For streets marked off and designated with white lines parallel and perpendicular to the curb, it shall be unlawful for any person to park any vehicle on any portion of said street except within those parallel and perpendicular white lines along the curb, or next to the sidewalk. (Ord. 624, 6-4-1928)

9-3-3: RESTRICTED PARKING ZONES DESIGNATED:

The City Engineer shall establish, allot, and indicate by suitable lines or other means of indication, in any block in any street, any or all of the types of parking zones hereafter set forth; provided, however, that no zone pertaining to parking may be established on a state highway without first having received the necessary legal consent from the California state department of transportation. If a parking zone request is determined to be unwarranted, notification will be given to the requestor who then has the option to have the issue brought before the city council, via a written request to the city clerk's office, requesting that the issue be agendized for council consideration. The types of zones are as follows:

(A) Passenger loading zones (White Zones) are areas wherein no person shall stop, stand or park a vehicle except for the loading or unloading of passengers, and the curbs adjacent to such zones shall be colored white to indicate the areas to be passenger loading zones; and that it shall be unlawful for any person to stop, stand or park a vehicle in any such zone for any purpose except for the loading or unloading of passengers, for a longer continuous period of time than ten (10) minutes. There shall be passenger loading/unloading zones established at the following location:

1. Adjacent to the westerly 20 feet of the property located at 300 Main Street.

(B) Commercial loading zones (Yellow Zones) in the city shall be designated by having the curb adjacent to such zone painted yellow. Between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. Monday through Saturday, except holidays, use of a yellow zone by commercial vehicles as defined by the California Vehicle Code, shall be limited to the loading and unloading of passengers, freight, goods, wares or merchandise only for a period not to exceed twenty (20) minutes. For all other days and times, parking shall be permitted in a yellow zone subject to standard parking limitations for the applicable street. Any vehicle parked contrary to the limitations established above shall be subject to tow and fine. Vehicles displaying disabled person license plates, handicap placards issued by the department of motor vehicles or a city of Placerville temporary commercial loading zone permit may park in loading zones for a period of twenty (20) minutes during periods that loading zone standards are in effect as specified above. The loading or unloading of disabled persons in such zones shall be accomplished only by utilizing a curbside or right-hand door or by a door so located as to provide access at the rearmost portion of the vehicle. Commercial vehicle loading/unloading zones (20 minute yellow zones) shall be established at the following locations:

1. Beginning 20 feet from the Westerly edge of the property located at 300 Main Street and extending 45 feet to the East.

2. On Stage Coach Alley adjacent to the businesses located at 301 and 305 Main Street.

3. On Stage Coach Alley from roughly the midpoint between the northeasterly and northwesterly corners of the businesses located at 359 Main Street to the westerly side of the business located at 379 Main Street.

4. Adjacent to the businesses at 400 - 430 Main Street.

5. Adjacent to the business at 447 Main Street.

6. Adjacent to the businesses at 482 and 484 Main Street.

7. On the west side of Pacific Street (State Route 49) beginning at a point eighty feet (80') south of the Main Street intersection and terminating one hundred seventy feet (170') south of the Main Street intersection.

(C) Limited time parking zones (Green Zones) are areas wherein no person shall stop, stand or park a vehicle in excess of the period of time indicated by suitable signs or markings; the council may also establish limited time parking zones, and shall fix and designate the periods of time in excess of which parking in the zones shall be illegal, and shall mark these zones by signs. It shall be unlawful for any person to stop, stand or park a vehicle in any such zone for a longer continuous period of time than that indicated by the adjacent signs or

markings. The term "continuous period of time" as used in this section shall include moving a vehicle from parking space to parking space for the sole purpose of parking a vehicle in such zone for longer than the time indicated by the adjacent signs or markings. Limited time parking zones (Green Zones) shall be established in the following locations:

1. Adjacent to the business at 88 Main Street (30 minute green zone).

2. Adjacent to the Parking area of 103 Main Street (20 minute green zone

3. Adjacent to the business at 132 Main Street (20 minute green zone).

4. Adjacent to the business at 138 Main Street (20 minute green zone).

5. Adjacent to the business at 339 Main Street just west of the crosswalk (20 minute green zone).

6. Adjacent to the business at 348 Main Street (20 minute green zone).

7. Adjacent to the business at 359 Main Street just east of the red zone/fire hydrant (20 minute green zone).

8. Adjacent to the businesses at 360 - 364 Main Street just east of the crosswalk (20 minute green zone).

9. Adjacent to the business at 413 Main Street (20 minute green zone).

10. On both sides of the driveway at 532 Main Street (12 minute green zone).

11. Adjacent to the business at 533 Main Street (12 minute green zone).

12. Adjacent to the business at 537 Main Street (12 minute green zone).

13. Adjacent to the business and parking area at 542 Main Street (12 minute green zone).

14. Adjacent to the business at 585 Main Street (12 minute green zone).

15. Adjacent to the businesses at 617 and 619 Main Street (20 minute green zone).

16. On Stage Coach Alley from the northeasterly corner of the business at 339 Main Street to a point midway between the northwesterly and northeasterly corner of the business located at 359 Main Street (20 minute green zone).

(D) No person shall stop, stand or park a vehicle in excess of the period of time indicated by signs located on Main Street.

(E) Two (2) hour limited time parking zones are hereby established on the following streets between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. on non-holiday weekdays:

Bee Street	Northerly side from Coloma Street to a point lying 80 feet east of Molly Lane.
	South side from a point lying 80 feet east of Molly Lane to a point lying 265 feet west of Coloma Street.
	South side from a point lying 180 feet west of Coloma Street to a point lying 50 feet west of Coloma Street.

(F) Two (2) hour limited time parking zones are hereby established on the following streets between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., Monday through Saturday, holidays excepted; except in those areas designated otherwise herein:

Main Street	Both sides from the eastern terminus of Forni Road easterly to Cedar Ravine Street except as otherwise designated herein.
	Four spaces at the northerly terminus of Old Canal Street (Ord. 1688, 2-28-2017
	North side of Main Street between the Westerly edge of the business located at 617 Main Street and a point 40 feet east of Sheridan Street.
Pacific Street	Both Sides from Main Street to Sacramento Street except as otherwise designated herein. On the east side five spaces adjacent to the parking lot at 209 Main Street

(Ord. 1688, 2-28-2017)

9-3-4: NIGHTTIME PARKING RESTRICTED:

It shall be unlawful for any person to park or leave standing any vehicle of any kind whatsoever between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. on any of the streets or portions of streets hereinafter designated:

Arizona Way (9:00 p.m. – 6:00 a.m.)

Canal Street.

Main Street from Canal Street to Washington Street.

Sacramento Street from Main Street to Chamberlain Street.

Spring Street. (Ord. 695, 7-16-1945)

9-3-5: TOW AWAY ZONES:

It shall be unlawful for any vehicle to be parked on the south side of Main Street from the east side of Reservoir Street to a point opposite the east side of the building located at 532 Main Street and on the north side of Main Street from the west side of the property located at 495 Main Street to the west side of the premises located at 533 Main Street. Any vehicle parking in the restricted areas shall be towed away. It shall be unlawful for any vehicle to be parked on the north side of Reservoir Street from the intersection of Quartz Alley to the intersection of Main Street. Any vehicle parking in the restricted area shall be towed away. (Ord. 1688, 2-28-2017)

9-3-6: TAXICAB ZONES:

The council is hereby authorized to establish by resolution a taxicab zone or zones on any street in the city and shall cause a sign or other designation to be placed adjacent to the parking zone or space indicating that the space is reserved for taxicabs. It shall be unlawful for any person to park any vehicle other than a taxicab in any parking space which is designated as a taxicab zone.

9-3-7: STOP SIGNS DESIGNATED:

The city engineer shall have the authority to establish points at intersections of any streets at which the drivers of all vehicles shall be required to come to a complete and full stop. Prior to installation of a stop sign, the Council shall adopt by resolution approving the location. Stop signs shall be erected at a point at which the driver shall bring his vehicle to a stop. Any person requesting to have a stop sign removed or requesting the installation of a stop sign has the option to have the issue brought before council via a written request to the city clerk's office, requesting that the issue be agendized for council consideration. A list of all stop sign locations shall be maintained in the office of the City Clerk.

9-3-8: RESTRICTED PARKING

A. In addition to those specific areas outlined in Paragraph B below, no person shall stop, park, or leave standing any vehicle on any street in the following areas when delineated by red paint on the curb or signage:

Within 15 feet of a fire hydrant except as follows:

(a) If the vehicle is attended by a licensed driver who is seated in the front seat and who can immediately move such vehicle in case of necessity.

(b) If the vehicle is owned or operated by a fire department and is clearly marked as a fire department vehicle.

1. Within three feet of any sidewalk access ramp constructed at or adjacent to a crosswalk or at any other location on a sidewalk so as to be accessible to and useable by the physically disabled, if the area adjoining the ramp is designated by either a sign or red paint.
2. Within 10 feet of any driveway or roadway intersection.
3. Any area in which the distance between the curb and the center line of a two lane street or roadway is less than 20 feet.
4. In a case where a turn lane exists in addition to the lane of travel, the total area between the left most edge of the turn lane and the curb shall not be less than 28 feet.
5. There shall be no parking allowed on any street where the area for parking causes the vehicle to cross the fog line, or on those streets where no fog line exists, encroaches into the lane of travel in such a manner as to create an unsafe condition.

B. There shall be no parking at the following locations on the streets listed below except as otherwise noted herein:

Acacia Way	On the east side from 2903 Acacia Way to a point 125 feet south of the southerly intersection of Bennett Drive.
	On the east side from Bee Street to a point 125 feet south of the southerly intersection of Bennett Drive.
	On the west side.
Anderson Way	On both sides of the northerly loop.
	On the east side from Franklin Court to a point 300 feet north of Franklin Court.
	On the north side of the southerly loop.

Arizona Way	On the east side from the Clay Street intersection northerly to the end of the road.
Barrett Drive	On the cul-de-sac at the westerly terminus.
Bedford Avenue	On both sides from Main Street to Coleman Street.
	On both sides from Pleasant Street to a point 100 feet south of Pleasant Street.
	On either side from Pleasant Street north to the city limits.
	On the east side from a point 270 feet north of Coleman Street to a point 330 feet north of Coleman Street.
	On the east side of Bedford Avenue from a point 290 feet south of Pleasant Street to a point 320 feet south of Pleasant Street.
	On the west side from Coleman Street to Pleasant Street.
Bee Street	On the north side from Canal Street, easterly to a point lying 35 feet east of Acacia Way.
	On the south side from a point lying 80 feet west of Simas Way to a point lying 25 feet east of Simas Way.
	On the south side from Canal Street, easterly 138 feet.
	On the south side from Coloma Street, westerly 50 feet.
Benham Court	On the east side from Fiske Street to the southerly terminus of Benham Court.
Bennett Drive	On the north side from a point 200 feet east of the southerly terminus with Acacia Way to a point 265 feet east of the southerly terminus with Acacia Way.
Brenden Way	On the Culdesac located at the end of Brenden Way
Briw Road	On the east side from the intersection of Forni Road to a point 300 feet to the south.
	On the west side from the intersection of Forni Road to a point 100 feet to the

	south.
Broadway	On the north side adjacent to the business at 1361 Broadway.
	On the north side adjacent to the business at 1287 Broadway.
	On the north side adjacent to the businesses at 1257 through 1263 Broadway.
	On the north side from Schnell School Road to a point 200 feet westerly, and to a point 720 feet east of Schnell School Road.
	On the roadway portion from Mosquito Road to a point 320 feet easterly. There shall be a 1 hour parking zone established in the easement portion on the north side of Broadway from the prolongation of the curb line within the location described herein.
	On the south side from Carson Road to a point 675 feet westerly.
	On the south side from Wiltse Road to a point 150 feet easterly.
	On the south side from a point 210 feet west of Wiltse Road to a point 250 feet west of Wiltse Road.
	On the south side from Airport Road to a point 250 feet west of Airport Road.
Broadway Court	On the north side from Broadway to its westerly terminus.
Canal Street	On both sides from Cougar Lane, southeasterly to Bee Street.
	On both sides from Simas Way, southeasterly to U.S. Highway 50.
	On the northerly side from Bee Street, southeasterly to Simas Way.
Cedar Ravine Street	On the west side within 15 feet of residential driveways between 3154 and 3178 Cedar Ravine Street.
	There shall be no parking on the west side of Cedar Ravine Street from a point 525 feet north of Darlington Avenue to a point 585 feet north of Darlington Avenue.
Chamberlain Street	On the north side from Chapel Street to a point 40 feet west of Chapel Street.

	On the north side from Lillian Court to the westerly terminus of Chamberlain Street.
	On the north side from Sacramento Street to Chapel Street.
	On the south side from a point 200 feet west of Sacramento Street to a point 360 feet west of Sacramento Street.
	On the south side from Sacramento Street to a point 50 feet west of Sacramento Street.
Chapel Street	On both sides from Chamberlain Street to Pacific Street.
Clark Street	On the east side from Pacific Street to Adams Way.
	On the west side from Clark Court to the southerly terminus of Clark Street.
	On the west side from Clark Court to a point 80 feet south of Pacific Street.
Clay Street	On both sides at the Highway 50 overcrossing.
Coleman Street	On the north side from Benson Street to Clay Street.
	On the south side from Bedford Avenue to Lincoln Street.
	On the south side from Clay Street to Lincoln Street.
Coloma Street	On the east side between Spring Street and Conrad Street.
	On the west side for a distance of 100 feet in each direction from the crest of the hill between Spring Street and High Street.
Conrad Court	On the cul-de-sac located at the end of Conrad Court.
	On the south side from Conrad Street to a point 75 feet east.
Corker Street	On the south side between Marshall Way and Washington Street.
Cottage	On the north side from Conrad Street to a point 25 feet east of Conrad Street.

Street	On the south side from a point 470 feet west of Garden Street to a point 720 feet west of Garden Street.
Cougar Lane	On the east side from Canal Street to its northerly terminus.
	On the west side from Canal Street to a point 50 feet north of Canal Street.
	On the west side from its northerly terminus to a point 60 feet south.
	There shall be a parking by permit only zone established on Cougar Lane on the west side beginning at a point 50 feet north of Canal Street and terminating 60 feet south of its northerly terminus.
Country Club Drive	On both sides from the easterly city limits to a point 250 feet westerly.
	On the east side adjacent to the residences located between 1788 and 1814 Country Club Drive.
	On the south side from Pheasant Run Drive to a point 100 feet east of Pheasant Run Drive.
Crescent Street	On the south side from the intersection of Lewis Street to a point 100 feet east.
Fair Lane	On both sides from Placerville Drive to a point 1,600 feet east.
Fairview Court	On the east side from Canal Street to a point 50 feet south of Canal Street.
	On the west side from Canal Street to a point 100 feet south of Canal Street.
Fiske Street	On the south side from Benham Court to a point 75 feet west of Benham Court.
Forni Road	On the south side from the westerly city limits to a point 400 feet east.
Fowler Way	On the west side from Marshall Way to its northwesterly terminus.
Gold Street	On the north side in front of the properties at 1055, 1061 and 1071 Gold Street.
Goldner Street	On both sides from Clark Street to a point 150 feet west of Clark Street.

	On the west side from Pacific Street to a point 150 feet south of Pacific Street.
Grandview Street	On both sides between Clay Street and Simon Drive.
Green Street	On both sides between Maria Vista Way and Coloma Road.
Hazzard Street	On both sides from Corina Street to Washington Street.
Hocking Street	On the east side from Morrene Drive to Mosquito Road.
	On the east side from Morrene Drive to the northerly terminus of Hocking Street.
Jeffrey Lane	On the cul-de-sac at the westerly terminus of Jeffrey Lane.
Locust Street	On the east and west sides from the Main Street intersection northerly to the north side of the Locust Street Bridge over Hangtown Creek.
	On the west side from the southerly end of the Highway 50 bridge abutment to the Main Street intersection.
Main Street	On the North Side from Canal Street Intersection to the Westerly edge of the parking lot located at 103 Main Street.
	On the North Side adjacent to the property at 151 Main Street.
	On the North Side from the Westerly edge of the property located at 209 Main Street to a point 10 feet East of the Easterly edge of the property located at 251 Main Street.
	On the East side of the property located at 385 Main Street.
	On the North Side adjacent to the property located at 409 Main Street
	On the North Side from 10 feet East of the Westerly edge of the property located at 463 Main Street to the Westerly edge of the property located at 487 Main Street.
	On the North Side from the Westerly edge of the property located at 495 Main Street to the Westerly Edge of the property located at 533 Main Street.

	On the North Side from the Westerly edge of the property identified as the Ivy House Parking Lot to the Eastern edge of the property located at 601 Main Street.
	On the North Side adjacent to the property located at 659 Main Street.
	On the North Side adjacent to the building located at 693 Main Street.
	On the South Side from the Westerly edge of the property located at 222 Main Street to the intersection of Main Street and Pacific Street.
	On the South Side from the Eastern Terminus of Reservoir Street to the Eastern Edge of the Property located at 532 Main Street.
	On the South Side from Cedar Ravine to Mosquito Road
Manor Drive	On both sides from Tunnel Street to the terminus of Manor Drive
Marshall Way	On either side of Marshall Way.
Molly Lane	On the east side from Bee Street northerly to a point lying 100 feet northeasterly of Weaver Way.
	On the west side from Bee Street northerly 600 feet.
Morrene Drive	On either side from a point 525 feet north of Hocking Street to a point 575 feet north of Hocking Street.
	On the west side from a point 250 feet north of Hocking Street to the intersection with Hocking Street.
Mosquito Road	On the east side from the intersection of the El Dorado Trail to a point 200 feet north.
	On both sides from Main Street to the intersection of the Highway 50 On Ramp.
Moulton Drive	On the west side from Canal Street to a point 60 feet north of Canal Street.
Myrtle Avenue	On the easterly side from Canal Street, southerly 250 feet.
	On the westerly side from Canal Street, southerly to Olivene Court.

Norman Street	On both sides along its entire length with the exception of the north side of its northerly most loop.
Old Canal Street	On the west side from Main Street to its northerly terminus.
Pacific Street	On the north side between Cedar Ravine Road to a point 100 feet west of Cedar Ravine Road.
	On the north side between Meridian and Goldner Streets.
	On the north side from Benham Street to a point 100 feet west of Sacramento Street.
	On the south side from Cedar Ravine Road to a point 150 feet west of Cedar Ravine Road.
	On the south side from 100 feet east of Goldner Street to Clark Street.
	On the south side from 110 feet east of Benham Street to Goldner Street.
	On the south side from Sacramento Street to Chapel Street.
Placerville Drive	On the east side from Ray Lawyer Drive to a point 850 feet northerly.
	On the east side from Ray Lawyer Drive to a point 850 feet southerly.
	On the north side in front of 583 Placerville Drive.
	On the north side in front of 611 Placerville Drive.
	On the south side adjacent to the business at 386 Placerville Drive.
	On the west side from 55 Placerville Drive to 99 Placerville Drive.
	There shall be a 4 hour parking zone established on the access road adjacent to the Placerville Drive entrance to the El Dorado County Fairgrounds.
Pleasant Street	On both sides from Bedford Avenue to its easterly terminus.
Point View Drive	On the north side adjacent to the residence at 1889 Point View Drive.

	On the south side from Cardinel Drive to a point 150 feet west of Cardinel Drive.
Quartz Alley	From Main Street to Reservoir Street.
Ray Lawyer Drive	On the north side from Placerville Drive to Fair Lane.
	On the south side from Placerville Drive to the access road into Venture Village Shopping Center.
Ridgecrest Court	On the east side from Woodridge Court to a point 100 feet south of Woodridge Court.
Sacramento Street	On the east side from a point 120 feet north of Pacific Street to a point 150 feet south of Pacific Street.
Schnell School Road	On the west side from the northwest intersection of the Highway 50 westbound on ramp extending 75 feet north.
Sean Drive	On the cul-de-sac at the westerly terminus of Sean Drive.
Sheridan Street	On the west side from Thompson Way to Main Street.
Sherman	On the North side from Washington Street to Sheridan Street
Simon Drive	On the south side.
	On the north side from the westerly end of the driveway of the welfare office to the most westerly end of the cul-de-sac on Simon Drive.
Spanish Ravine Road	On the north side from a point 47 feet east of Washington Street to a point 350 feet east of Washington Street.
	On the north side from Main Street to Washington Street.
	On the north side from Washington Street to a point 27 feet east of Washington Street.
	On the south side from Washington Street to a point 350 feet east of Washington Street.

Spear Street	On the east side from Moulton Drive to its northerly terminus.
Spring Street	From 500 feet north of Highway 50 to a point 800 feet north of Highway 50.
	On either side from Bedford Avenue to the intersection of Garden Street.
	On the north side from Elstner Street to a point 40 feet east of Elstner Street.
Stout Court	Along the northerly terminus adjacent to the Highway 50 right of way fence.
	On the east side from Broadway to a point 115 feet north of Broadway.
	On the west side from a point 115 feet north of Broadway to a point 175 feet north of Broadway.
Thompson Way	On the north side from a point 350 feet west of Sheridan Street to a point 750 feet west of Sheridan Street.
Tunnel Street	On both sides of Tunnel Street from Manor Drive to a point 1,050 feet northerly.
Turner Street	From Sherman Street to Corker Street with the exception of the following locations:
	The east side from Corker Street to a point 240 feet northerly.
	The west side from Corker Street to a point 185 feet northerly.
Washington Street	There shall be no parking on Washington Street.
Willow Street	On the west side of the northerly loop of Willow Street from Anderson Way to a point 25 feet north of Anderson Way.
Woodridge Court	On the east side from Cold Springs Road to its northerly terminus.

9-3-9: REGULATION OF TRAFFIC ON STATE HIGHWAYS:

Any provision of this code which regulates traffic or delegates the regulation of traffic upon state highways in any way for which the approval of the department of transportation, state of California, is required by state law, shall cease to

be operative six (6) months after receipt by the council of written notice of withdrawal of approval of the state department.

Whenever this code delegates authority to a city officer or traffic committee, or authorizes action by the council to regulate traffic upon a state highway in any way which by state law requires the prior approval of the state department of transportation, no such officer or traffic committee shall exercise such authority nor shall such action by the council be effective with respect to any state highway without the prior approval in writing of the state department of transportation when and to the extent required by the Vehicle Code.

The council may, by resolution, establish on said state highways, any of the parking zones described in this chapter, subject to the approval of the state department of transportation as prescribed above.

(Ord. 1688, 2-28-2017)

9-3-10: BLUE CURB PARKING SPACES:

(A) Use Of Blue Curb Spaces: Persons using "blue curb" parking spaces shall comply with the following:

1. No person shall park or stand any vehicle in a disabled persons parking zone (blue curb) unless said vehicle bears a special license or displays a special placard issued under the provisions of section 9105 or 22511.5 of the California Vehicle Code.

2. Blue curb parking spaces shall be operative twenty four (24) hours a day, Sunday and holidays included.

3. Parking zones for the physically handicapped are subject to any temporary parking prohibitions established by the city.

(B) On Street/Off Street/Publicly Owned Parking Facilities: The City Engineer shall designate special "blue curb" parking spaces for the purpose of providing on street parking for the exclusive use by physically handicapped persons; and the City Engineer shall designate parking stalls or spaced in publicly owned, leased, or controlled off street parking facilities for exclusive use by physically handicapped persons. It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons if, immediately adjacent to and visible from such stall or space, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background, unless the vehicle displays either one of the distinguishing license plates or placard issued pursuant to sections 22511.55 and 22511.59 or to disable veterans, as specified in section 5007 of the California Vehicle Code.

City owned off street parking facilities subject to this section are:

Center Street Lot
Center Street Parking Structure
Fox Lot
Ivy House
Milton Lot
Mooney Lot
Old City Hall Lot
Placerville Station I
Placerville Station II
Tetrault Lot
Town Hall Lot

(C) Off Street Privately Owned Facilities: The city hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by physically handicapped persons. The city police department is authorized to enforce this provision. It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if, immediately adjacent to and

visible from such stall or space, there3 is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background, unless the vehicle displays either one of the distinguishing license plates or placard issued pursuant to sections 22511.55 and 22511.59 or to disable veterans, as specified in section 5007 of the California Vehicle Code.

(D) Identification:

1. On Street Blue Curb Spaces: Blue curb spaces shall be indicated by blue paint on the curb edge of the paved portion of the street adjacent to the space. In addition, a sign consisting of a profile view of a wheelchair with occupant in white with a blue background shall be posted immediately adjacent to and visible from the space. For further identification, the international symbol of access, may be painted on the blue curb in white followed by the word "ONLY". All signage and markings shall be in accordance with the American with Disabilities Act and the California Vehicle Code. In addition a sign not less than seventeen inches by twenty two inches (17" x 22") with lettering not less than one inch (1") in height shall be posted stating: *Vehicles not displaying handicapped license plates or placards will be subject to a fine and/or tow away. Minimum Fine $250. Vehicles will be towed away at the owner's expense, and may be reclaimed by telephoning 530-642-5280.*

2. Off Street/Publicly Owned Facilities: Designation of "blue curb" parking stalls in publicly owned off street parking facilities shall be made by position immediately adjacent to, and visible from same, a sign consisting of the international symbol of access. The sign shall include a profile view of a wheelchair with occupant in white on a blue background. The sign shall clearly and conspicuously state: “Minimum Fine $250” and conform to American with Disabilities Act and the California Vehicle Code.

In addition a sign not less than seventeen inches by twenty two inches (17" x 22") in size must be posted either at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall(s), which states with lettering not less than one inch (1") in height: "Vehicles not displaying handicapped license plates or placards will be subject to a fine and/or tow away. Minimum Fine $250. Vehicles will be towed away at the owner's expense, and may be reclaimed by telephoning 530-642-5280". All signs shall be posted at a height of eighty inches (80") from the ground.

3. Off Street/Privately Owned Facilities: Designation of "blue curb" parking stalls in privately owned off street parking facilities shall be made by posting immediately adjacent to, and visible from same a sign consisting of the international symbol of access. The sign shall include a profile view of a wheelchair with occupant in white on a blue background. The sign shall clearly and conspicuously state: “Minimum Fine $250” and conform to American with Disabilities Act and the California Vehicle Code.

In addition, a sign not less than seventeen inches by twenty two inches (17" x 22") in size with lettering not less than one inch (1") in height which clearly states: *"Vehicles not displaying handicapped license plates or placards will be towed away at owner's expense. Minimum Fine $250. Towed vehicles may be reclaimed by telephoning 530-642-5280"*. This sign shall be posted at the entrance to the parking facility or immediately adjacent to, and visible from the reserved stall(s).

Note: The person in lawful possession of the parking facility may then and only after first contacting the local police cause the removal of a violator's automobile from the stall to the nearest public garage.

A sign must be posted at the entry to all off street parking facilities to the effect that the facility is subject to all public traffic regulations and control.

All signs shall be posted at a height of eighty inches (80") from the ground. (Ord. 1688, 2-28-2017)

9-3-11: RESTRICTED PARKING OF INANIMATE OBJECTS:

(A) Reserved.

(B) Any duly authorized police officer is hereby authorized to remove or cause to be removed any inanimate object other than a motorized vehicle which is parked on the streets or in the parking lots of the city.

(C) After having been removed from the street or parking lot, the inanimate object shall be stored by the city at the city of Placerville corporation yard. As soon as the owner of the inanimate object has been discovered, notice shall be given to the owner that the inanimate object has been stored at the corporation yard of the city and the owner shall be entitled to retake possession of the inanimate object at any time during normal working hours.

(D) The person owning the inanimate object shall pay a storage charge to the city of twenty dollars ($20.00) for each day the inanimate object has been stored by the city, which said sum shall be payable prior to the owner retaking possession of the inanimate object. (Ord. 1688, 2-28-2017)

9-3-12: RESIDENTS ONLY PARKING ZONES:

Only residents displaying a city issued residential parking permit will be allowed to park between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. on non-holiday weekdays on the following streets:

Acacia Way	East side between the southerly and northerly terminus of Bennett Drive.
	East side from the southerly intersection of Bennett Drive to a point 125 feet south.
Bee Street	On the northerly side from a point lying 35 feet east of Acacia Way to a point lying 80 feet east of Molly Lane.
	On the south side from a point lying 25 feet east of Simas Way to a point lying 80 feet east of Molly Lane.
	On the south side from a point lying 265 feet west of Coloma Street to a point lying 180 feet west of Coloma Street.
	On the southeast side from a point lying 138 feet east of Canal Street to a point lying 80 feet west of Simas Way.
Bennett Drive	Both sides between its southerly and northerly terminus with Acacia Way.
Canal Street	On the southerly side from a point lying 85 feet west of Myrtle Avenue to a point lying 190 feet east of Myrtle Avenue.
Fairview Drive	On the easterly side from a point lying 50 feet southwesterly of Canal Street, southerly to the terminus of the street.
	On the westerly side from a point lying 100 feet southwesterly of Canal Street, southerly to the terminus of the street.

Lynne Court	On both sides from Fairview Drive to its southerly terminus.
Molly Lane	On the easterly side from a point lying 100 feet northerly of Weaver Way, northerly 300 feet to a point lying 400 feet northerly of Weaver Way.
Myrtle Avenue	On both sides from a point lying 175 feet southerly of Olivene Court, southeasterly 550 feet to Myrtle Court.
	On the westerly side from Olivene Court, southerly 175 feet.
Simas Way	On both sides from Canal Street to Bee Street.

(Res. 5438, 11-12-1991; amd. Ord. 1535, 7- 9-1996; Ord. 1544, 9-9-1997; Ord. 1587, 9-24-2002; Ord. 1613, 9-26-2006)

9-3-13: MOTORCYCLE PARKING ZONE

The Council may designate areas in public parking facilities or on street for Motorcycle only parking. These areas shall be designated by a sign indicating motorcycles only, or for on-street parking, a picture of a motorcycle on the roadway indicating motorcycle parking. For on-street parking, lines shall be painted indicating individual spaces for on-street motorcycle parking.

It shall be unlawful and a violation of the provisions of this title for any person to park any vehicle other than a motorcycle, in a Motorcycle Parking Zone.

9-4-1: REGULATION AND CONTROL OF PARKING LOTS:

The council may, by resolution, declare the necessity for the use of parking meters on any parking lot within the city that is municipally owned or controlled; may fix and determine traffic patterns for the movement of traffic on municipally owned or controlled parking lots and govern the ingress and egress thereto and therefrom, and adopt other resolutions for the regulation of lots, and when the council regularly passes and adopts any resolution for any purpose, the same shall control the use of the area affected thereby. (Ord. 739, 6-18-1951)

9-4-2: PARKING LOTS; PARKING RESTRICTIONS:

It shall be unlawful for any person on any public parking lot which is municipally owned or controlled:

(A) To park or place any vehicle on any portion of the lot in such a manner as to interfere with or restrict the freedom of traffic movement between the areas indicated for parking or to interfere with the free ingress or egress to and from said lot.

(B) To park any vehicle with a trailer or any other thing attached thereto which extends into the areas commonly used for traffic movement.

(C) To park or place any vehicle or thing on any portion of the property which has been marked in red or by pavement stripes or words or signs to indicate that no parking is permitted.

(D) To park any vehicle or thing in any manner except entirely within the area indicated for vehicular parking by parallel lines painted upon the paved surface or in any manner so that any portion of the vehicle or thing extends over or across any line painted on the paved portion of the property.

(E) To move any vehicle on any lot at any speed exceeding ten (10) miles per hour or at any speed greater than that posted at the entrance to any lot.

(F) To fail to place the name and address of the driver, the name and address of the registered owner and the registration number of any vehicle that has collided with any other vehicle or thing on the parking lot on the vehicle or thing collided with if the same be unattended, or to give such information to the person in charge of the other vehicle or thing if the same be attended.

(G) To permit any vehicle to be parked overtime or beyond any period of time declared by the council to be the maximum time for parking on such lot, whether in the same space or different spaces in the same parking lot. Any vehicle parked in violation of this section, and having been cited for that violation, is guilty of a separate and additional violation for each complete time period equal to the maximum time for parking in such lot. The fine for a violation of this section shall be as set forth in section 9-5-3 of this title.

(H) To leave any vehicle or thing in any parking stall at any time between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. of any day.

(I) To park or place any truck exceeding one ton rated capacity upon any portion of any such parking lot.

(J) To drink any alcoholic beverage on the parking lot at any time of day or night.

(K) To ride or operate any skateboard, bicycle, roller skates, go-cart or any similar device not a registered and licensed motor vehicle in, or upon, any parking lot except when in conjunction with a sponsored and supervised activity sanctioned by the city.

(L) To move any vehicle in a direction contrary to a specified direction of travel as indicated by any traffic control device, arrow or other sign.

9-4-3: ISSUANCE OF CITATION FOR VIOLATION:

The police department, other city designated employees, or any agency or entity and its employees designated by the city council are hereby empowered to issue citations in the usual form and manner for any violations of any provisions of this chapter or chapter 3 of this title. (Ord. 1688, 2-28-2017)

9-4-4: PARKING DISTRICT 1:

Parking district 1 is hereby declared to be from, and to be bounded as described in exhibit on file in the office of the clerk and by reference made a part hereof. The property proposed to be acquired for public parking purposes is described as follows:

Parcel 1. A parcel of land consisting of Lots 24 to 34 in Block 33, and the southwest portion of Lot 23, Block 33, having a frontage of 15.76 feet on Center Street and 7.3 feet on Hangtown Creek.

Parcel 2. A parcel of land consisting of Lot 14, Block 41; the east 12.25 feet of Lot 6, Block 41, excepting the southeast 3 feet thereof; and the portion of Lot 1 Block 41 lying northwest of the northwest line of the lands now or formerly of Otto K. Weichold.

No public ways are proposed to be acquired for ingress to or egress from said parking places.

The improvements proposed to be made or constructed on the parking places are: grading and the construction thereon of pavement, curbs, drains, lights, fences, rails, meters, and any buildings or structures necessary for the proper operation thereof; and the making of all acquisitions and the construction of all improvements and the performance of work auxiliary thereto necessary to complete same as off street parking facilities. (Ord. 761, 5-24-1954)

9-4-5: GENERAL AND HOURLY PARKING RESTRICTIONS; MUNICIPAL LOTS:

(A) Standard Limitations:

1. Unless otherwise specified below, vehicles may be parked in a municipal parking lot without charge for a period not to exceed two (2) hours. Vehicles may be parked for additional time in municipal parking lots provided payment has been made for said additional time. Municipal parking lots between the eastern terminus of Main Street at Broadway and the western terminus of Main Street shall be considered a limited time parking zone for the purposes of subsection 9-3-3(D) of this title.

2. No vehicle or object may be stored in any parking stall at any time between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. of any day. However, overnight permits may be approved and issued by the city administration department.

3. Unless specified otherwise, all parking limitations shall be in effect six (6) days per week, Monday through Saturday eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. except holidays.

(B) Permit Parking Spaces:

1. Permit parking shall be eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. Monday - Saturday.

(C) Special Parking Limitations; Municipal Lots: The following restrictions shall be applicable to the municipal lots listed below and except as provided herein, shall be effective six (6) days a week, Monday through Saturday, eight o'clock (8:00) A.M. to six o'clock (6:00) P.M.:

1. Lots:

Center Street Parking Structure: Two (2) hour free parking permitted on the first and second levels. Additional time over two (2) hours may be purchased at one of the pay stations. The third level shall be reserved for leased/permit parking only. A limited amount of leased parking shall also be available on the second floor.

Ivy House Lot: No vehicle or person shall be allowed on the Ivy House Lot between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M., except by a permit issued through the police department for a special event or commercial activity.

Mooney Lot, Milton Lot, Tetrault Lot, Fox Lot, Ivy House Lot, Old City Hall Lot : Two (2) hour free parking shall be permitted in each of these lots. Additional time over two (2) hours may be purchased at one of the pay stations. A limited amount of leased parking shall also be available in these lots.

Small Center Street Lot: Two (2) hour free parking shall be permitted in this lot. In addition, a limited amount of leased parking shall also be available in this lot.

Municipal lot located at the corner of Coloma and Conrad Streets: Eight (8) hour parking limit.

Public Safety Building Lot: No parking shall be allowed in the Public Safety Building Lot except for persons conducting business at the public safety building.

Town Hall Lot: There shall be designated two (2) parking spaces in which parking shall be limited to twelve (12) minutes and which will be reserved for the public conducting business with the community services department. Additional spaces as necessary shall be reserved for employees of the community services department. All remaining spaces shall be limited to two (2) hour free parking.

Old Canal Street: Five spaces adjacent to the parking lot of the business located at 209 Main Street shall be designated Permit Parking.

2. Rates And Fees: Hourly rates for parking in excess of two (2) hours shall be by resolution of the city council. Fees for leased/permit parking shall also be set by resolution of the city council. (Ord. 1688, 2-28-2017)

9-4-6: MONTHLY PARKING REQUIREMENT:

(A) Monthly parking fees for parking on lots owned or operated by the city shall be established by resolution of the city council. (Ord. 1297, 3-9-1982)

(B) Parking permits shall be issued by the city to those persons renting a parking space on a specific interval as established by agreement between the city and the permit holder. (Ord. 1537, 10-22-1996)

9-4-7: PARKING RESTRICTIONS; SIGNAGE:

Signs shall be posted at the entrances of all municipal parking lots setting forth applicable restrictions. (Ord. 1537, 10-22-1996)

9-5-1: UNLAWFUL PARKING IN PARKING ZONES:

It shall be unlawful and a violation of the provisions of this title for any person to permit any vehicle registered in the name of, or operated by the person, to be parked overtime or beyond the period of legal parking time established for any parking zone as described in section 9-3-3 of this title. (Ord. 1160, 7-11-1978)

9-5-2: DUTY OF PARKING ENFORCEMENT OFFICER OR POLICE OFFICERS; REPORTS:

It shall be the duty of the city assigned parking enforcement officer to enforce parking provisions within the parking district defined in section 9-4-4 of this title between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. six (6) days per week Monday through Saturday.

It shall be the duty of the police officers of the city, acting in accordance with and pursuant to instructions issued by the chief of police, to enforce parking outside of the enforcement performed by the parking enforcement officer. Enforcement officers and police officers shall report the following information:

(A) The state license number of the vehicle violating any parking regulation of the city.

(B) The time of day during which the vehicle is parking in violation of any of the parking provisions of the city.

(C) The duration of the time in excess of the legal parking time during which the vehicle is parking in violation of any of the parking provisions of the city.

(D) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation. Each police officer shall also attach to the vehicle a notice to the owner or operator thereof that the vehicle has been parked in violation of a provision of this code and the notice shall instruct the

owner or operator to report at the office of the judge of the justice court in regard to the violation. (Ord. 1688, 2-28-2017)

9-5-3: FINES:

(A) Fines for violations of any of the sections of this chapter and chapters 3 and 4 of this title, unless otherwise stated therein, shall be set by a master parking fine resolution of the city council establishing the fines for any such violations. Said master parking fine resolution may be amended from time to time at the discretion of the city council.

(B) Multiple violations by the same vehicle within any twenty four (24) hour period of the same section shall cause the fine to be doubled for such subsequent violations.

(C) The failure of the owner or operator to make the payment of the fines hereinabove specified within thirty (30) days shall render the owner or operator subject to an additional penalty in the amount of twenty three dollars ($23.00). The penalty shall be reviewed annually by the City Council and adjusted, if necessary, by City Council Resolution.

(D) Nonpayment of the fines and penalty amounts shall result in a lien being placed against the registration of the vehicle with the state of California department of motor vehicles.

(E) The city manager and/or chief of police shall have the authority to issue one day exemptions for overtime parking for individuals parking within the city. (Ord. 1596, 1-13-2004)

9-5-4: MARKING OF SPACES ON PAVEMENT:

It shall be unlawful and a violation of this chapter to park any vehicle across any line or marking designated as a parking space or to park the vehicle in such position that the same shall not be entirely within the area so designated by the lines or markings.

9-5-5: BACKING INTO STALLS:

Vehicles parked in the following lots, Fox Lot, Small Center Street Lot, Town Hall Lot, Center Street Parking Structure and Old City Hall Lot shall not back into stalls. Any vehicle parked in any parking space shall be parked with the foremost part of such vehicle nearest to such curb, bumper stop or other concrete or fiber abutment. (Ord. 1688, 2-28-2017)

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 1702

AN ORDINANCE AMENDING TITLE 6 CHAPTER 19, OF THE PLACERVILLE CITY CODE REGULATING CAMPING WITHIN THE CITY OF PLACERVILLE AND REPEALING TITLE 8 CHAPTER 8 SECTION 8 OF THE PLACERVILLE CITY CODE

TITLE 6, CHAPTER 19, IS HEREBY AMENDED AND THE CITY COUNCIL OF THE CITY OF PLACERVILLE, as follows:

SECTION 1: INTENT

It is the intent of the City Council that this Amendment and shall apply to the regulation of camping on public and private properties.

SECTION 2: FINDINGS

The City Council makes the following findings:

The City of Placerville has continued to see spontaneous camps set in areas not suitable or zoned as campgrounds; and

These campgrounds are exposed to extreme weather conditions, lack restroom facilities and garbage pickup, which creates a major public concern due to lack of any sanitation services; and

These campers will often cook and heat by open flame which, sparks and embers from open fires and open burning pose a significant fire danger and threat to the safety of the citizens of Placerville and their property; and
These camps often attract various vermin, increasing the likelihood of spreading sickness and disease.
The primary strategy when dealing with homeless persons is to attempt to connect them with outreach services and resources, that break the cycle of homelessness; and
The proposed amendments and additions to the current ordinance will provide the Placerville Police Department with an effective and comprehensive tool with which to address the problems that are associated with unregulated camping, on both public and private property within the City of Placerville

SECTION 3: REGULATIONS

Chapter 19

CAMPING ON PUBLIC OR PRIVATE PROPERTY

6-19-1: PURPOSE:

6-19-2: ENFORCEMENT:

6-19-3: DEFINITIONS:

6-19-4: UNLAWFUL CAMPING:

6-19-5: UNLAWFUL DAYTIME CAMPING:

6-19-6: NOTICE:

6-19-7: STORAGE OF PERSONAL PROPERTY ON PUBLIC AND PRIVATE PROPERTY:

6-19-8: STORAGE AND DISPOSAL:

6-19-9: PERMIT FOR SPECIAL EVENTS REQUIRED:

6-19-10: POSTING COPY OF PERMIT:

6-19-11: POWER OF THE CITY MANAGER TO MAKE RULES AND REGULATIONS:

6-19-12: CURRENT ORDINANCE PROVISIONS:

6-19-1: 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 affects 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. 1659, 1-14-2014

6-19-2: ENFORCEMENT:

Any law enforcement officer shall the authority to enforce this chapter.

6-19-3: 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.

AVAILABLE SHELTER: The term “available shelter” is a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness at no charge. A shelter shall not be considered available when the individual cannot occupy said space due to overcapacity, exhaustion of stay limitations, or when religious observance is required as a condition of gaining shelter. If the individual cannot utilize the overnight shelter space due to voluntary actions including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available.

CAMP: To place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

CAMP FACILITIES: Include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

CAMP PARAPHENALIA: Includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

CITY MANAGER: The city manager or designee.

ESTABLISH: Setting up or moving equipment, supplies or materials onto public or private property to "camp" or operate camp facilities.

MAINTAIN: Keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

OPERATE: Participating or assisting in establishing or maintaining a camp or camp facility.

OPEN SPACE: Open Space for the purpose of this Chapter is unimproved real property owned by the City other than streets, sidewalks, parking lots, parking structures, easements, parks, cemeteries, dump sites, real property within or below 100 feet above the ordinary high water mark of any lake, waterway, river, stream, pond, or reservoir.

ORDINARY HIGH-WATER MARK: Means the average level of the water attained in annual seasonal flow.

PARK: Any areas set aside for recreational uses, areas conserved for their scenic interest, playgrounds, beaches, recreation centers, golf courses, model plane fields, and any other areas owned or operated by the city of Placerville and which are intended for active or passive recreational purposes. The word "park" shall also include any parking lot adjacent to any park, any buildings, equipment, plants or other facilities located in any park and any landscaped public area and/or right of way.

PRIVATE PROPERTY: All private property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land.

PUBLIC PROPERTY: All public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

STORE: To put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location. (Ord. 1659, 1-14-2014)

TRAIL FACILITY: Any class 1 trail, bicycle or multi-use trail, natural trail, or horseback riding trail that is owned, maintained, or operated by the City, including any area or access point adjoining the trail which the City owns or maintains an easement. For purposes of this chapter, "trail facility" includes the portion of the Sacramento Placerville Transportation Corridor that is located within the City.

UNATTENDED: Means no person is present with the personal property that asserts or claims ownership over the personal property. Conversely, property is considered "attended" if a person is present with the personal property and the person claims ownership over the personal property.

VEHICLE: Vehicle for purpose of this Chapter, shall be defined by Section 670 of the Vehicle Code of the state of California as it now exists or may hereafter be amended

6-19-4: UNLAWFUL CAMPING:

A. Camping on Public Property

Except as may be permitted within municipal parks by the Director of Community Services, or his or her designee, it is unlawful to camp upon any public property owned by the City, including, without limitation, streets, sidewalks, parking lots, parking structures, easements, open space, parks, cemeteries, real property within or below 100 feet above the ordinary high water mark of any lake, waterway, river, stream, pond, or reservoir, or corporation yards when there is available overnight shelter. It shall not be a violation of this ordinance to camp in City owned open space when there is no overnight shelter available.

Except as otherwise permitted under the Placerville Municipal Code, it is unlawful for any person to sleep between ten p.m. and five a.m. in any vehicle parked on any public street, alley way, or parking area, or any privately owned parking area used for the parking of customers of any business enterprise without the consent of the owner of such business enterprise when there is available overnight shelter.

B. Camping on Private Property

1. It is unlawful to camp upon private property within the City except as otherwise provided in this section.

This section shall not apply to persons camping upon their own land or to persons camping with the written consent of the owner of the land, provided that such written consent is in their possession at the time and is shown upon demand of any peace officer and is not otherwise Placerville Municipal Code. No person shall camp, or permit to camp, on private property for a period of time exceeding seven consecutive days without an interruption of at least seven consecutive noncamping days. For purposes of this section, camping for any portion of a day shall count as a full camping day.

C. City Manager Permit

1. The city manager may, as provided in section 6-19-9 of this chapter, issue a temporary permit to allow camping on public or private property in connection with a special event.

D. Violations

1. A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code section 370, the city attorney may institute civil or administrative actions to abate a public nuisance under this chapter. (Ord. 1659, 1-14-2014)

6-19-5: UNLAWFUL DAYTIME CAMPING:

For any City owned open space where camping is not authorized under authority independent of this chapter, no person shall erect, configure, or construct a tent from 8:00 a.m. to sunset. (except during rainfall or when the temperature is below 50 degrees Fahrenheit). A person must take down, fold, deconstruct, or put away any tent erected, configured, or constructed in any such public property between the hours of 8:00 a.m. to sunset. (except during rainfall or when the temperature is below 50 degrees Fahrenheit). Removal of property for a violation of this section pursuant to Section 6-19-7 is limited to the tent erected in violation of this section.

6-19-6: NOTICE:

A. *Pre-removal notice*. Before impounding or removing any personal property stored or tent erected in violation of this chapter, the City shall provide pre-removal notice. Pre-removal notice under this chapter shall be deemed provided if written notice is provided to the person who is storing or claims ownership of the personal property or tent or written notice is posted conspicuously on or near the personal property or tent. Actual removal by the City must commence within 72 hours after expiration of the 24-hour period provided for in the pre-removal notice. The written notice shall contain the following:

1. A general description of the personal property to be removed;

2. The location from which the personal property will be removed;

3. The date and time the notice was posted;

4. A statement that the camping is in violation of Section 6-19-4 or Section 6-19-5 or the personal property is stored in violation of Section 6-19-7;

5. A statement that the personal property may be impounded if not removed from the private or public property within 24 hours;

6. A statement that moving personal property to another location in the same private or public property will not be considered removal of the personal property;

7. The address where the removed private property will be located, including a telephone number through which a person may receive information as to impounded personal property;

8. A statement that impounded personal property may be disposed of if not claimed within 90 days after impoundment; and

9. A statement that the owner of the personal property may dispute the removal of the personal property or cited violation of this chapter and a telephone number for the owner of the personal property to request an informal hearing before the property is removed. Any law enforcement officer may conduct the informal hearing by providing the owner of the personal property the opportunity to show why the property has not been stored in violation of this chapter or to show that additional time is necessary for the owner to remove the property. The informal hearing may be held at any location, including the location of the personal property at issue.

B. *Post-removal notice.* Upon removal of stored personal property pursuant to this chapter, written notice shall be provided to the person who stored or claims ownership of the personal property or tent or conspicuously posted in the area from which the personal property was removed. If requested by the person who stored or claims ownership of the personal property or tent, reasonable efforts shall be made to provide or assist in obtaining transportation assistance if the person is unable travel to the place of storage and providing transportation or assistance is feasible. The written notice shall contain the following:

1. A general description of the personal property removed;

2. The date and approximate time the personal property was removed;

3. A statement that the camping was in violation of Section 6-19-4 or Section 6-19-5 or the personal property was stored in violation of Section 6-19-7;

4. The address where the removed personal property will be located, including a telephone number through which a person may receive information as to impounded personal property; and

5. A statement that impounded personal property may be discarded if not claimed within 90 days after impoundment.

6-19-7: 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) Any public property; or

(B) Any private property without the written consent of the owner.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code section 370, the city attorney may institute civil or administrative actions to abate a public nuisance under this chapter. (Ord. 1659, 1-14-2014)

6-19-8: STORAGE AND DISPOSAL:

Any property seized under this chapter shall be inventoried and stored pursuant to a written policy of the Police Department and, if not claimed in 90 days, disposed of pursuant to written policy. No property contaminated with hazardous materials will be stored by the Police Department.

6-19-9: PERMIT FOR SPECIAL EVENTS REQUIRED:

The city manager may, in his or her discretion, issue a permit to establish, maintain and operate a camp or a camp facility in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the city departments, youth or school events, marathons or other sporting events and scouting activities. The city manager may consult with various city departments, the health officer and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding any health, safety or public welfare concerns and provide recommendations pertaining to the issuance, denial or conditioning of the permit. A reasonable fee, to be set by the city council shall be paid, in advance, by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the city manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the area or tract of land upon which the proposed temporary camp or camp facility is to be located.

Any person who establishes, maintains or operates a camp or camp facility without a permit is guilty of a misdemeanor and constitutes a public nuisance. In addition to remedies provided in Penal Code section 370, the city attorney may institute civil or administrative actions to abate a public nuisance under this chapter. (Ord. 1659, 1-14-2014)

6-19-10: POSTING COPY OF PERMIT:

It is unlawful for any person to establish, maintain, conduct or carry on any camp or camp facility unless there shall be at all times posted in a conspicuous place upon the area or tract of land upon which the camp or camp facility is located a permit obtained from the city manager in accordance with the provisions of section 6-19-9 of this chapter. (Ord. 1659, 1-14-2014)

6-19-11: POWER OF THE CITY MANAGER TO MAKE RULES AND REGULATIONS:

The city manager is further empowered to ascertain that the operation or maintenance of any camp or camp facilities to which a temporary permit shall apply will in no way jeopardize the public health, safety or welfare and for this purpose may make additional rules and regulations pertaining to their establishment, operation or conduct. The city manager may also impose conditions on the establishment, maintenance and operation of the camp or camp facility, including, but not limited to, security, sanitation facilities, the number of occupants, posting of bonds or deposits, insurance, quiet hours, duration of the permit, and permitted activities on the premises. When the city manager shall issue any permit under the terms of section 6-19-5 of this chapter, the same may be revoked at any time thereafter by the city manager if the city manager becomes satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare. (Ord. 1659, 1-14-2014)

6-19-12: CURRENT ORDINANCE PROVISIONS:

Neither the adoption of this chapter nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 1659, 1-14-2014)

SECTION 4: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Placerville hereby declares that it would have adopted this Ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 5: CEQA

The City Council finds and determines that this Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment in that this Ordinance simply clarifies existing local regulations.

SECTION 6: TITLE 8 CHAPTER 8 SECTION 8

TITLE 8 CHAPTER 8 SECTION 8 IS HEREBY REPEALED

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville on December 10, 2019, by former Mayor Acuna and seconded by Councilmember Saragosa. The reading of said Ordinance was waived. The second reading of the Ordinance was also waived on January 14, 2020. The Ordinance was moved for adoption by Councilmember Acuna and seconded by Councilmember Taylor. A poll vote was taken which stood as follows:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas

NOES: None

ABSENT: None

ABSTAIN: None

_____
Mayor Michael Saragosa

ATTEST:

_____
Regina O'Connell, City Clerk

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

RESOLUTION NO. 8479

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

PLACERVILLE EXTENDING THE ATTACHED INTERIM URGENCY ORDINANCE ADOPTED ON NOVEMBER 8, 2016 FOR A PERIOD OF 10 MONTHS AND 15 DAYS PURSUANT TO GOVERNMENT CODE § 65858.

WHEREAS, on November 8, 2016 the City Council adopted Interim Urgency Ordinance No. 1683 regulating cultivation and prohibiting the manufacture, processing, laboratory testing, labeling, storing, wholesale and retail distribution of nonmedical marijuana in the City of Placerville pursuant to Government Code § 65858(a); and

WHEREAS, Government Code§ 65858(a) provides for the extension of said ordinance following a public hearing of the City Council; and

WHEREAS, at the City Council Meeting on November 8, 2016, the Council adopted findings supporting the Interim Urgency Ordinance; and

WHEREAS, the City Council finds that the same conditions exist to justify extending the ordinance for an additional 10 months and 15 days pursuant to Government Code §65858.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Placerville hereby adopts the findings made in the ordinance on November 8, 2016 and extends the Interim Urgency Ordinance for a period of 10 months and 15 days pursuant to Government Code §65858.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Placerville held on December 13, 2016, by Council member Thomas, who moved its adoption. The motion was seconded by Vice-Mayor Clerici. A poll vote was taken, which stood as follows:___

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins

NOES: None

ABSENT: None

ABSTAIN: None

There being a minimum 4/5 of votes "AYE", Motion carried and was so ordered.

_____

Vice-Mayor John Clerici

Attest:

_____

Regina O'Connell, City Clerk

Title 1
ADMINISTRATIVE

Chapter 1
CITY CODE

1-1-1: TITLE:

Upon adoption by the governing body this code is hereby declared to be and shall hereafter constitute the official city code of the city of Placerville. Any reference made to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal document. (1962 Code)

1-1-2: ACCEPTANCE:

This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the city of general and permanent effect. (1962 Code)

1-1-3: AMENDMENTS:

Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to Sterling Codifiers, Inc., and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code within thirty (30) days from the date of its final passage. (1962 Code)

1-1-4: CONSTRUCTION OF WORDS:

Whenever any word in any section of this code importing the plural number is used, in describing or referring to any matters, parties or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this code by words importing the singular number only, or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. (1962 Code)

1-1-5: INTERPRETATIONS:

In the determination of the provisions of each section of this code the following rules shall be observed:

(A) Intent To Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person,

(B) Liability Of Employers And Agents: When the provisions of any section of this code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth[1]. (1962 Code)

Chapter 2
SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the city passed prior to the adoption of this code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances

granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; and all special ordinances. (1962 Code)

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, excepting as this code may contain provisions for such matters, in which case this code shall be considered as amending such ordinance or ordinances in respect of such provisions only. (1962 Code)

1-2-3: COURT PROCEEDINGS:

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance herein repealed, or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm, corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this code. (1962 Code)

Chapter 3
DEFINITIONS

1-3-1: DEFINITIONS, GENERAL:

Whenever the following words or terms are used in this code they shall have the meaning herein ascribed to them, unless the content makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another.

CITY: The city of Placerville.

CODE: Unless otherwise specifically stated shall mean this code.

EMPLOYEES: Whenever reference is made in this code to a city employee by title only, this shall be construed as though followed by the words "of the city of Placerville".

FEE: A sum of money charged by the city for the carrying on of a business, profession or occupation.

KNOWINGLY: Imports only a knowledge that the facts exist which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

MISDEMEANOR: Any offense deemed a violation of the provisions of this code which is a lesser offense than a felony as defined by state law.

NEGLIGENT, NEGLECT, NEGLIGENCE, NEGLIGENTLY: Imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

NUISANCE: Anything offensive or obnoxious to the health and welfare of the inhabitants of the city; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of, another person or to the community.

OCCUPANT: Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS: Whenever reference is made in this code to a city officer by title only, this shall be construed as though followed by the words "of the city of Placerville".

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: Applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Includes the singular and the plural and shall also mean and include any person, firm, corporation, association, partnership, or any other form of association or organization.

PERSONAL PROPERTY: Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER: Unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

STREET: Includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

TENANT: Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

WHOLESALER AND WHOLESALE DEALER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WILFULLY: When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage. (1962 Code)

Chapter 4
PENALTY

1-4-1: PURPOSE AND INTENT:

Pursuant to its authority, the city of Placerville adopts the procedures and remedies set forth in this title for the enforcement of this code and state codes adopted by the city. The purpose of this chapter and chapters 4A and 4B of this title is: (Ord. 1571, 5-8-2001; amd. Ord. 1642, 6-14-2011)

(A) To provide standards for the enforcement of this code and other applicable laws;

(B) To establish administrative sanctions for violations of this code and other applicable laws as an alternative to criminal or civil enforcement penalties;

(C) To establish a hierarchy of administrative sanctions and a prescribed method for enforcement through administrative hearings that are consistent with constitutional protections;

(D) To provide for administrative abatement to remedy code violations and to provide for the recovery of costs incurred in administrative abatement as allowed for by state law; and

(E) To provide for judicial review of final administrative orders or decisions made pursuant to this title in accordance with the procedures set forth in Code Of Civil Procedure sections 1094.5 and 1094.6.

Nothing in this chapter is intended to abridge or modify the authority of the city manager or other designated person to enforce this code through criminal or civil penalties where such remedies are designated by ordinance as appropriate. (Ord. 1571, 5-8-2001)

1-4-2: DEFINITIONS:

As used in this title:

ADMINISTRATIVE SANCTIONS: The sanctions set forth in this chapter for violation of this code or other applicable laws.

ADMINISTRATIVE VIOLATION: Any infringement or alleged infringement of this code or other applicable laws for which enforcement is to be handled through the administrative procedures established in this title.

APPLICABLE LAWS: Any provisions of this code, any state code as adopted by the city of Placerville, design standards adopted by the city of Placerville, and those state laws enforced by the city of Placerville which also have been designated by ordinance for enforcement pursuant to the procedures established in this title.

CITIZEN COMPLAINT: A report of an alleged violation of this code or other applicable laws by any person or entity. "Citizen complaint" means and includes a complaint by a city official or city employee only to the extent such official or employee is able to demonstrate a direct effect on his/her person or property as a result of the alleged violation.

DESIGN STANDARDS: Written design standards, design guidelines or development standards that may be adopted by resolution or ordinance from time to time by the city council and/or planning commission, or that may be adopted as part of the conditions of approval on any project, that govern development of land within the city and that are on file with the city clerk.

ENFORCEMENT AUTHORITY: The city manager or designated department head, building official, code enforcement officer or police official charged with responsibility for enforcement under this title.

ENTITLEMENT: Any project approval issued by the city council, the planning commission, or any other committee, commission or department as allowed for under procedures established by this code.

MEDIATION: A meeting held between the enforcement authority and a responsible person under the supervision of an impartial third party to informally resolve issues relating to alleged violations of this code or other applicable laws.

NOTICE OF ADMINISTRATIVE VIOLATION: The notice issued by the enforcement authority of an alleged infringement of this code or other applicable laws.

NOTICE TO CORRECT: The notice issued by the enforcement authority for required action to achieve compliance with this code or other applicable laws.

REASONABLE TIME(S): Between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, inclusive, unless otherwise required by: a) an emergency impacting the safety or preservation of life or property; or b) the fact that the alleged violation of this code or other applicable laws only occurs at some other hour or on a weekend.

RESPONSIBLE PERSON: Any person or entity charged with or found to have violated this code or other applicable laws. "Responsible person" includes the parents and/or legal guardian of any person under the age of eighteen (18) who is charged with a violation of this code or other applicable laws. "Responsible person" shall also include the promoter, organizer or sponsor of any event who violates any provision of this code.

STOP ORDER: A written order issued by the enforcement authority or his/her designee that any and all work on a project, improvement or other development must cease on the terms and conditions set forth in the order. (Ord. 1571, 5-8-2001; amd. Ord. 1642, 6-14-2011)

1-4-3: PUBLIC NUISANCE:

Any violation of any ordinance of this code, of any provision of any state codes adopted by the city, or of any design standards, is declared to be a public nuisance, subject to redress as provided for in this title. (Ord. 1642, 6-14-2011)

1-4-4: PROCEDURES FOR ENFORCEMENT:

The city of Placerville shall enforce the provisions of this code or other applicable laws through any of the following procedures:

(A) Administrative action concerning an administrative violation as provided for in chapter 4A of this title;

(B) Criminal action prosecuted in the name of the people of the state of California when a criminal violation is expressly provided for by ordinance;

(C) Civil action instituted by the city attorney in the name of the city of Placerville; or

(D) Abatement as authorized by chapter 4B of this title. (Ord. 1571, 5-8-2001)

1-4-5: PENALTY:

(A) Misdemeanor: Any person convicted of a violation of this code shall be fined in a sum not to exceed one thousand dollars ($1,000.00) for any one offense, and the person may be confined in the county jail for a period of not to exceed six (6) months, or both.

(B) Infraction: Any person violating any of the following provisions or failing to comply with any of the following provisions of this code shall be guilty of an infraction, except for those cases designated and prosecuted as misdemeanors:

1. Title 3, chapters 3, 6, 7, 10 of this code (fire). (Ord. 1571, 5-8-2001)
2. Title 4, chapters 2, 3, 4 of this code (building). (Ord. 1642, 6-14-2011)
3. Title 5, chapter 1 of this code (business licenses).
4. Title 6, chapter 5 of this code (police).
5. Title 7, chapters 1, 2, 6, 7, 8, 9, 10 of this code (health).
6. Title 8, chapters 1, 3, 4, 5, 7, 8, 11, 13 of this code (streets, trees).
7. Title 10 of this code.
8. Title 9, chapters 3 and 4 of this code (parking).

Every violation determined to be an infraction is punishable by a fine not exceeding one hundred dollars ($100.00) for a first violation, a fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within one year, and a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within one year.

(C) Enforcement: Every person convicted of a violation of any provision of this code where any duty is prescribed to be performed or obligation imposed, or when any act of a continuing nature is forbidden or declared to be unlawful, shall be guilty of a misdemeanor unless such violation is designated as an infraction. In either case, whether a misdemeanor or an infraction, a separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code. (Ord. 1571, 5-8-2001)

1-4-6: DEFAULT:

Any person in default of payment of any fine imposed shall be imprisoned in the city or county jail for a period of one day for each thirty dollars ($30.00) of the fine; provided that the term shall not exceed the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. (Ord. 1571, 5-8-2001)

1-4-7: LABOR:

Any person imprisoned under the provisions of this chapter may be put to work for the benefit of the city for the term of his/her imprisonment. (Ord. 1571, 5-8-2001)

1-4-8: LICENSE:

When a person is convicted of a violation of any section of this code, any license previously issued to him by the city may be revoked by the court or by the governing body. (Ord. 1571, 5-8-2001)

1-4-9: LIABILITY OF OFFICERS:

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the governing body to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (Ord. 1571, 5-8-2001)

1-4-10: POWER OF CITATION:

The city manager shall have the power to designate by written order that particular officers and employees shall be authorized to issue citations for violations of the foregoing sections. (Ord. 1571, 5-8-2001)

Chapter 4A
ADMINISTRATIVE VIOLATIONS AND ADMINISTRATIVE ENFORCEMENT PROCEDURES

Article I. Administrative Violations

1-4A-1: DESIGNATION OF ADMINISTRATIVE VIOLATIONS:

(A) The following shall be designated as administrative violations and shall be subject to enforcement pursuant to the provisions of this chapter:

1. All violations of this code, unless otherwise excepted by ordinance; (Ord. 1572, 4-24-2001)

2. All violations of state codes adopted by the city of Placerville; (Ord. 1572, 4-24-2001; amd. Ord. 1642, 6-14-2011)

3. All violations of design standards adopted by the city council and/or the planning commission and on file with the city clerk;

4. All violations of conditions imposed on any entitlement, permit, contract, or environmental document issued or approved by the city of Placerville;

5. All violations of state laws enforced by the city of Placerville that have been designated for enforcement through this chapter by ordinance.

(B) An administrative violation may only be adjudicated pursuant to the administrative enforcement procedures established in sections 1-4A-10 through 1-4A-48 of this chapter. Each responsible person shall have the right to request an administrative hearing and subsequent judicial review pursuant to the procedures established in Code of Civil Procedure sections 1094.5 and 1094.6 before the city will take action to collect any administrative penalty. (Ord. 1572, 4-24-2001)

1-4A-2: ADMINISTRATIVE VIOLATIONS ARE NOT EXCLUSIVE REMEDY:

Nothing in this chapter is intended to limit or prohibit the enforcement of this code or other applicable laws through civil or criminal process where the city attorney has evaluated the criteria set forth in sections 1-4A-5 and 1-4A-14 of this chapter, and has determined that enforcement through the administrative enforcement procedures will not result in effective redress, where there have been repeated administrative violations, or where the severity of the violation warrants redress through civil or criminal action. (Ord. 1572, 4-24-2001)

1-4A-3: LEVELS OF ADMINISTRATIVE VIOLATIONS:

(A) Administrative violations shall be designated by level based upon the potential monetary sanction as follows:

1. Level A violations shall be subject to a fine of up to one hundred dollars ($100.00) for a first violation, a fine of up to two hundred dollars ($200.00) for a second violation of the same ordinance within one year, or a fine of up to five hundred dollars ($500.00) for each additional violation of the same ordinance within one year. Level A violations shall include all violations designated as an infraction by this code.

2. Level B violations shall be subject to a fine of up to one thousand dollars ($1,000.00). Level B violations shall include all violations designated as a misdemeanor by this code.

Unless otherwise provided for by ordinance, all administrative violations will be deemed a level B violation.

(B) At the time of issuance of a notice of administrative violation pursuant to section 1-4A-14 of this chapter, the enforcement authority shall evaluate in writing the criteria set forth in section 1-4A-5 of this article to determine the appropriate level of sanction and shall provide written notice to the responsible person of the proposed level of sanction and the reasons therefor as required by section 1-4A-14 of this chapter.

(C) Where multiple violations have occurred or are occurring, each violation of this code or other applicable laws shall be subject to a separate sanction.

(D) The enforcement authority shall have no power or discretion to void any notice of administrative violation until after a meeting with the enforcement authority's supervisor as provided for in section 1-4A-33 of this chapter. If a notice of administrative violation is voided, the enforcement authority shall provide written justification for such action to the city manager. (Ord. 1572, 4-24-2001)

1-4A-4: SANCTIONS FOR ADMINISTRATIVE VIOLATIONS:

Any one of the following sanctions shall be available to redress infringement of this code or applicable laws:

(A) Revocation and/or suspension of licenses or permits, conditional use permits or other entitlements issued by the city of Placerville;

(B) The placement of requirements for corrective action on permits, licenses or entitlements issued by the city of Placerville as a condition to avoid revocation of the permit, license or entitlement;

(C) Monetary sanctions as set forth in section 1-4A-3 of this article;

(D) The issuance of a compliance order setting forth corrective action;

(E) Requiring a responsible person to post a performance bond, irrevocable letter of credit or other adequate security to ensure compliance with this code or other applicable laws. (Ord. 1572, 4-24-2001)

1-4A-5: STANDARDS FOR IMPOSITION OF ADMINISTRATIVE SANCTIONS:

The following factors shall be considered in determining the appropriate sanctions for any administrative violation:

(A) The knowledge or intent of the person/entity found to have violated this code or other applicable laws;

(B) The final determination of prior violations of this code or other applicable laws within twelve (12) months of the date of the violation. Violations of a similar nature shall be given additional weight in evaluating the appropriate sanctions as provided for in section 1-4A-3 of this article;

(C) Efforts by the person/entity found to have violated this code or other applicable laws to take remedial action upon notice of a violation;

(D) Any financial gain realized by a responsible person as a result of an administrative violation;

(E) The extent to which the violation undermines the purpose of the ordinance violated;

(F) The number of other violations existing at the time of the issuance of the notice of administrative violation;

(G) The costs incurred for remedial action taken by the enforcement authority;

(H) The degree and permanence of harm to health, safety and/or the environment caused by the violation, including, but not limited to, any loss of life to person or animal;

(I) The amount it would have cost the responsible person to comply with the law. (Ord. 1572, 4-24-2001)

Article II. Administrative Enforcement Procedures

1-4A-10: RESPONSIBILITY AND AUTHORITY:

The city manager shall have overall responsibility and authority to enforce the provisions of this code or other applicable laws. The city manager may delegate to department heads or other appropriate subordinates the authority to enforce any of the provisions of this code or other applicable laws which relate to the responsibilities of their department. The city manager may also delegate to the police department or code enforcement officer the authority to enforce any of the provisions of this code or other applicable laws. (Ord. 1572, 4-24-2001)

1-4A-11: PURPOSE OF ENFORCEMENT:

The purpose of administrative enforcement is to obtain fair and uniform compliance with the provisions of this code and other applicable laws. (Ord. 1572, 4-24-2001)

1-4A-12: GUIDELINES FOR EXERCISING ADMINISTRATIVE ENFORCEMENT AUTHORITY:

Administrative enforcement of the provisions of this code and other applicable laws shall be limited to cases where: a) specific bona fide citizen complaints have been received, b) where the violation occurs within the context of the city's oversight and approval of a project, or c) where the enforcement action is a part of a plan for the uniform enforcement of a provision of this code or other applicable laws within the city. No notice to correct or notice of administrative violation shall be issued pursuant to a citizen complaint until the enforcement authority has conducted an independent investigation and determined that there is good cause to believe that a violation of this code or other applicable laws has occurred. The enforcement authority shall keep a record of all citizen complaints. (Ord. 1572, 4-24-2001)

1-4A-13: NOTICE TO CORRECT AND STOP ORDER:

Whenever a violation is discovered which can be corrected and the responsible person has not been issued a notice to correct or notice of administrative violation for the same violation within the past twelve (12) months, the enforcement authority shall issue a notice to correct in order to notify the responsible person of the violation and to order that the violation be corrected within a reasonable time. Unless a different period is specifically set forth in this code, ten (10) calendar days shall be considered a reasonable time to correct any violation. The notice to correct shall be in writing and shall set forth the facts that constitute the violation, the specific provisions of the law which have been violated, the specific acts required to correct the violation, the time allowed to correct the violation, and the rights to appeal the notice to correct. If the violation is related to a permit, license or other city approval of a project, the notice to correct may be accompanied by a stop order which orders the responsible person to immediately stop any and all work on the project that is subject to the permit, license or approval until the violation is corrected. The notice to correct shall be served in accordance with the provisions of section 1-4A-17 of this article. (Ord. 1572, 4-24-2001)

1-4A-14: NOTICE OF ADMINISTRATIVE VIOLATION:

A notice of administrative violation may be issued under any of the following circumstances:

(A) When the violation cannot be corrected;

(B) When the violation can be corrected, a notice to correct has been served, and the specified time has passed without adequate correction of the violation;

(C) When a stop order has been issued and has not been complied with by the responsible person;

(D) When the same violation has been committed by the same responsible person within the past twelve (12) months and a notice to correct or notice of administrative violation has been served on the responsible person within that same twelve (12) month period.

The notice of administrative violation shall be in writing and shall set forth the facts constituting the violation, the specific provisions of the law which have been violated, the proposed sanctions for the violation as specified in section 1-4A-4 of this chapter, and the rights that the responsible person has to appeal the notice of administrative violation. The notice of administrative violation shall be served as provided in section 1-4A-17 of this article. (Ord. 1572, 4-24-2001)

1-4A-15: RIGHT OF ENTRY FOR INSPECTION:

(A) Whenever necessary to make an inspection to enforce this code or other applicable laws, or whenever there is reasonable cause to believe there exists a violation of this code or other applicable laws in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times (as that phrase is defined in section 1-4-2 of this title) to inspect the same or to perform any duty imposed by this code or other applicable laws.

(B) Except in emergency situations or when consent of the owner and/or occupant of the building or premises to be inspected has been obtained, the city official shall give the owner and/or occupant, if they can be located after reasonable effort, twenty four (24) hours' written notice of the authorized official's intention to inspect through a notice of intention to inspect. The notice of intention to inspect shall state that the property owner has the right to refuse entry and, that in the event such entry is refused, inspection may be made only upon issuance of an administrative warrant or search warrant as allowed by law by a duly authorized judge.

(C) The written notice of intention to inspect shall be served by certified mail, return receipt requested. Where the authorized official intends to inspect within the next twenty four (24) hour period, the written notice shall be hand delivered. The notice of intention to inspect may be left with any person above the age of eighteen (18) who identifies himself/herself as an occupant, tenant or owner of the premises. If no one is at the premises at the time of delivery, the notice of intention to inspect shall be posted in two (2) conspicuous places on the premises.

(D) Prior to entering the premises, the authorized official conducting the inspection shall ascertain from the owner and/or occupant whether the notice of intention to inspect has been received and shall obtain permission for entry. Unless an emergency situation exists, if the owner and/or occupant refuses entry after such a request has been made, or if no actual contact is made with the owner and/or occupant prior to the attempt to enter, the official must seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 1572, 4-24-2001)

1-4A-16: INFORMAL ATTEMPTS TO ENCOURAGE COMPLIANCE:

Nothing in this chapter shall be interpreted to preclude an enforcement authority from informally encouraging citizens to comply with this code or other applicable laws. Informal oral or written requests to encourage compliance are encouraged, as are attempts to informally negotiate or mediate issues relating to compliance. (Ord. 1572, 4-24-2001)

1-4A-17: SERVICE OF NOTICES:

Any notices required under this chapter, except a notice of intention to inspect pursuant to section 1-4A-15 of this article, shall be served by personal delivery to the responsible person or by certified mail, return receipt requested, to the last known address of the responsible person. If the responsible person is not present for personal delivery, if certified mail is refused, or if the location of a responsible person cannot be determined after diligent efforts, notices may be posted in a conspicuous place on the affected property for a period of ten (10) calendar days and by mailing first class to the last known address. When there is no affected property, such alternative service shall be accomplished by

publication of any notices in a newspaper of general circulation that is most likely to give actual notice to the responsible person two (2) times in a ten (10) day period and by mailing first class to the last known address. (Ord. 1572, 4-24-2001)

1-4A-18: RESPONSIBILITY OF PARENT(S) AND/OR LEGAL GUARDIAN:

Whenever the responsible person is a person under the age of eighteen (18), the enforcement authority shall provide copies of all notices and orders specified in this title to the parent(s) and/or legal guardian. Any administrative sanctions levied under this chapter may be levied against the juvenile and the parent(s) and/or legal guardian of the juvenile. The parent(s) and/or legal guardian shall have the right to a hearing and judicial review as set forth in this chapter. In addition to any other defenses that may be raised to the administrative violation, the parent(s) or legal guardian may raise a defense that the parent(s) or legal guardian have exercised good faith efforts to control the behavior of the minor but have been unsuccessful in achieving such control. (Ord. 1572, 4-24-2001)

1-4A-19: CONFIDENTIALITY IN CONNECTION WITH CITIZEN COMPLAINTS:

The city shall take all reasonable steps to ensure that the identity of any person making a complaint to the city concerning a violation of this code or other applicable laws shall remain confidential. However, no enforcement action shall be taken beyond issuance of a notice of correction unless: a) the complaining witness agrees to be identified upon request of the responsible person, or b) the enforcement authority has developed sufficient independent evidence to proceed with a notice of administrative violation. (Ord. 1572, 4-24-2001)

Article III. Hearings

1-4A-30: RIGHT TO A HEARING:

Any person charged with an administrative violation who has been served with a notice to correct, stop order or notice of administrative violation and who wishes to contest the violation or the proposed sanction may request a hearing by filing a request for hearing within ten (10) calendar days of date of the service of the notice to correct, stop order or notice of administrative violation. (Ord. 1572, 4-24-2001)

1-4A-31: PRESERVATION OF STATUS QUO PENDING HEARING:

Any stop order issued pursuant to section 1-4A-13 of this chapter shall remain in effect until the time of the hearing and any subsequent judicial review. Any additional compliance obligations that may be imposed as the result of a notice to correct, stop order or notice of administrative violation shall also be stayed if a timely request for hearing is filed and until a final decision after the hearing is completed, unless an emergency situation affecting the safety or preservation of life or property exists. The enforcement authority shall provide written justification for invoking an emergency situation exception under this section to the responsible person within twenty four (24) hours of taking the action to correct the emergency situation. (Ord. 1572, 4-24-2001)

1-4A-32: REQUEST FOR HEARING AND FEE; NOTICE OF DENIAL OF HEARING BASED ON UNTIMELY APPEAL:

The request for hearing shall be filed with the city clerk on a form provided by the city clerk and shall include reference to the notice which is being appealed, shall state all of the grounds for the appeal, and shall be accompanied by payment of: a) an amount not to exceed five hundred dollars ($500.00) as security for payment of the proposed administrative sanction; and b) a hearing fee. The city clerk shall not accept any request for hearing unless it is accompanied by the hearing fee and the required security for administrative sanction. The amount of the hearing fee shall be established from time to time by resolution of the city council. The amount of the security for the administrative sanction shall be the amount of the maximum sanction specified in the notice of violation, or five hundred dollars ($500.00), whichever is less. If the city clerk determines that the request for a hearing is untimely, the city clerk shall advise the responsible person of that determination in writing and shall mail a notice of denial of hearing based on untimely appeal to the responsible person by first class mail. The responsible person shall then have the right to judicial review of that determination as provided for in sections 1-4A-60 through 1-4A-62 of this chapter. Upon a showing of good cause for the delay in filing a request for hearing, the city clerk may refer the issue of the right to an appeal to an administrative hearing pursuant to the procedures set forth in this chapter. The hearing officer shall determine whether there was good cause for the delay in filing the request for hearing before proceeding to the merits of the appeal. (Ord. 1572, 4-24-2001)

1-4A-33: MEETING WITH ENFORCEMENT AUTHORITY:

Persons charged with a violation of this code or other applicable laws are encouraged to meet with the enforcement authority and/or the appropriate department head or his/her designee prior to requesting a hearing to seek resolution of the matter. Such a meeting may be requested before or after the request of hearing is filed, but a request for the meeting shall not extend the time for filing the request for hearing. (Ord. 1572, 4-24-2001)

1-4A-34: MEDIATION:

With the filing of a request for a hearing or at any time before a hearing, the enforcement authority or a responsible person may request that an impartial mediator be appointed to help resolve the issues relating to the charged violation and/or proposed sanctions. The purpose of the mediation shall be to provide an opportunity for the enforcement authority and a responsible person to reach mutual agreement upon steps to achieve compliance with this code or other applicable laws. If the enforcement authority agrees to mediation, the city clerk shall appoint a volunteer mediator to assist in the resolution of the dispute. The hearing may be postponed until completion of the mediation if both parties agree to the postponement. The city will solicit members of the community to act as volunteer mediators. Mediators will not receive compensation but shall be recognized publicly for their service to the community. If the enforcement authority and the responsible person reach agreement on a compliance plan, that agreement shall be placed in writing and shall be signed by the enforcement authority, the responsible person and the mediator. If the terms of the agreement are violated, the enforcement authority shall serve a notice of administrative violation as provided for in section 1-4A-14 of this chapter. (Ord. 1572, 4-24-2001)

1-4A-35: TIMELY HEARING:

The hearing shall be held within thirty (30) days of the filing of a request for hearing, unless both parties agree to a postponement of the hearing or the hearing officer rules that there is good cause to postpone the hearing. After the hearing has started, it may be continued with the consent of all parties or upon a showing of good cause for such continuance. (Ord. 1572, 4-24-2001)

1-4A-36: NOTICE OF TIME AND PLACE OF HEARING:

The city clerk shall mail to all parties written notice of the time and place of the hearing at least ten (10) calendar days prior to the date set for the hearing. Such notice shall also include a description of the rights of the parties in the hearing. Hearings shall be conducted in the city. (Ord. 1572, 4-24-2001)

1-4A-37: HEARING OFFICER:

The city clerk shall appoint an impartial hearing officer for each hearing who may be an employee of the city or a person whose services are acquired by contract with the hearing officer or some public or private agency. The person appointed to conduct the hearing shall not have had within the past twelve (12) months any responsibility for the investigation, prosecution or enforcement of the provisions of this code or other applicable laws at issue in the hearing and shall not have had any personal involvement in the case to be heard. (Ord. 1572, 4-24-2001)

1-4A-38: EX PARTE COMMUNICATIONS:

The hearing officer shall have no communications with any party, city employee or official, or any potential witness concerning the substance of the case. Having such communications outside the presence of a party may be grounds for disqualification of the hearing officer from conducting the hearing. All communications concerning the case between the hearing officer and any person shall be revealed to the parties in the matter. (Ord. 1572, 4-24-2001)

1-4A-39: RIGHTS OF THE PARTIES:

The parties to a hearing shall have the following rights:

(A) Timely and adequate notice of the time and place of the hearing, their rights during the hearing and the issues that are to be the subject of the hearing;

(B) The right to present evidence and witnesses;

(C) The right to present argument;

(D) The right to be represented. The representative need not be an attorney;

(E) The right to open disclosure of all evidence presented to the hearing officer in the case;

(F) The right to confront and cross examine adverse witnesses;

(G) The right to subpoena witnesses or documents;

(H) The right to a verbatim record of the hearing;

(I) The right to a decision based upon the evidence in the record of the hearing;

(J) The right to an impartial hearing officer;

(K) The right to a written decision setting forth the reasons for the decision and the evidence relied upon. (Ord. 1572, 4-24-2001)

1-4A-40: HEARING PROCEDURE:

The hearing shall be informal and the hearing officer will have an affirmative obligation to seek the truth concerning the issues in the hearing. The hearing officer may ask questions of any witness and may establish the procedure for the presentation of evidence. The hearing officer may, on his or her own motion, call or subpoena a witness. The hearing officer may order the exclusion of witnesses during the testimony of other witnesses. (Ord. 1572, 4-24-2001)

1-4A-41: HEARING OPEN TO THE PUBLIC:

All hearings provided under this chapter shall be open to the public and press. (Ord. 1572, 4-24-2001)

1-4A-42: OATH:

All testimony shall be given under oath. Hearing officers have the authority to administer such oaths. (Ord. 1572, 4-24-2001)

1-4A-43: QUANTUM AND BURDEN OF PROOF:

All facts must be established by a preponderance of the evidence. The enforcement authority will have the burden to prove that a violation occurred and that the proposed sanction is appropriate. The enforcement authority shall be required to present its case first. (Ord. 1572, 4-24-2001)

1-4A-44: RULES OF EVIDENCE:

The rules of evidence adopted by state or federal law shall not apply. All relevant evidence shall be

admissible and hearsay evidence may be used for the purposes of supplementing and explaining other evidence. (Ord. 1572, 4-24-2001)

1-4A-45: SUBPOENAS:

The hearing officer shall have the authority to issue subpoenas (order to appear and give testimony) and subpoenas duces tecum (order to produce document(s) or paper(s)). The hearing officer may only issue subpoenas and subpoenas duces tecum upon a showing of reasonable necessity by the requesting party. (Ord. 1572, 4-24-2001)

1-4A-46: RECORD OF THE HEARING:

The hearing shall be tape recorded and a copy of the recording will be provided to anyone requesting a copy upon the payment of a fee set from time to time by resolution of the city council to cover the cost of duplication. (Ord. 1572, 4-24-2001)

1-4A-47: WRITTEN TRANSCRIPT:

Any person, including a party, may request a typewritten transcript of the hearing, but the requesting person will be responsible for the cost of transcription, including an administrative fee. An estimate will be provided of the cost of the transcription and the person requesting the transcript will be required to deposit an amount equal to that estimate before transcription will be started. If the cost of the transcription is greater than the estimate, the person requesting the transcript will be required to pay the additional cost before the transcript is provided. If the actual cost of transcription is less than the estimate, the city will refund the difference. (Ord. 1572, 4-24-2001)

1-4A-48: WRITTEN DECISION:

The hearing officer shall prepare and forward to the parties a written decision within thirty (30) calendar days of the close of the hearing. The decision shall be mailed by first class mail. If the hearing officer grants the appeal, the hearing officer shall have the discretion to refund the fee charged to the responsible person for the appeal. (Ord. 1572, 4-24-2001)

Article IV. Judicial Review

1-4A-60: FINAL ADMINISTRATIVE DECISION:

The decision of the hearing officer shall constitute the final administrative decision and shall not be appealable to the city council or any committee or commission of the city. (Ord. 1572, 4-24-2001)

1-4A-61: JUDICIAL REVIEW:

Appeal shall be through judicial review of the final administrative decision by filing a petition for a writ of

mandate with the superior court in accordance with the provisions of sections 1094.5 and 1094.6 of the California Code of Civil Procedure. Such writs must be filed within ninety (90) calendar days from the date of the final administrative decision. (Ord. 1572, 4-24-2001)

1-4A-62: REVIEW STANDARD:

The court may not change the findings of fact of the hearing officer unless there is no substantial evidence to support those findings. (Ord. 1572, 4-24-2001)

Article V. Enforcement Of Monetary Sanctions

1-4A-70: WHEN MONETARY SANCTIONS ARE DUE:

Monetary sanctions levied against a responsible person are due at the following times:

(A) If a request for hearing is not filed in relation to the notice of administrative violation, the monetary sanction set out in the notice shall be due and payable ten (10) calendar days after service of the notice of administrative violation.

(B) If a request for hearing is filed within the time limits prescribed by section 1-4A-30 of this chapter and there is no appeal of the hearing decision to the court pursuant to section 1-4A-61 of this chapter, the monetary sanction shall be due and payable ninety (90) calendar days after the date of a hearing decision, an order by the hearing officer dismissing the request for hearing, or the date the hearing request is withdrawn by the responsible party. The amount of sanction payable shall be the amount set by the hearing officer in a decision after hearing, or the amount set forth in the notice of administrative violation if there is no hearing decision.

(C) If there is judicial review of the hearing decision pursuant to section 1-4A-61 of this chapter, the monetary sanction shall be due and payable thirty (30) calendar days after the date of the final court order in relation to that review. The amount due shall be the amount ordered by the hearing officer unless a court modifies the amount of monetary sanction. (Ord. 1572, 4-24-2001)

1-4A-71: PLACE FOR PAYMENT OF MONETARY SANCTION:

All monetary sanctions shall be paid to the city and delivered to the finance department of the city. All payments shall be accompanied by a copy of the notice of administrative violation, or the decision of the hearing officer or the court decision establishing the amount of the monetary sanction. The finance department shall prepare a receipt documenting the payment of the monetary sanction and shall forward one copy of the receipt to the enforcement authority and one copy of the receipt to the city clerk. The city clerk shall thereafter verify that the sanction has been paid in full. If the sanction has been paid in full, the city clerk shall so note in the records pertaining to the administrative violation. If the sanction has not been paid in full, the city clerk shall notify the enforcement authority and responsible person in writing. (Ord. 1572, 4-24-2001)

1-4A-72: FAILURE TO PAY A MONETARY SANCTION:

If the responsible party does not pay the monetary sanction within the times provided under section 1-4A-70 of this article, or if the responsible party fails to pay the required monetary sanction in full within the times provided under section 1-4A-70 of this article, any unpaid portion shall bear interest at the rate of ten percent (10%) per annum from the date such payment was due until paid in full, and the city may take any of the following actions to collect the monetary sanction:

(A) Liens: The amount of the unpaid sanction plus interest, plus a reasonable administrative fee established by the city council from time to time to cover the cost of collection, constitutes and may be declared a lien on any real property owned by the responsible party within the city.

1. Notice shall be given to the responsible party prior to the recordation of the lien, and shall be served in the same manner as a summons in a civil action pursuant to article 3, (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code of Civil Procedure.

2. The lien shall attach when the city manager or his/her designee records a lien listing delinquent unpaid sanctions with the El Dorado County recorder's office. The lien shall specify the amount of the lien, the date of the code violation(s), the date of the final administrative decision, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner of the parcel.

3. In the event that the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (A)2 of this section shall be recorded by the city clerk.

(B) Special Assessments: The amount of the unpaid sanction plus interest, plus a reasonable administrative fee established by the city council from time to time to cover the cost of collection, may be declared a special assessment against any real property owned by the responsible person within the city to the extent the responsible person owns more than one parcel within the city. The city council may impose the special assessment on more than one parcel. However, the amount of the assessment shall not exceed the penalty imposed for the administrative violation. The city manager or his/her designee may present a resolution to the city council to declare a special assessment, and upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the El Dorado County recorder's office. The assessment may then be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

(C) Withholding Entitlements: The city may withhold issuance of licenses, permits and other entitlements to a responsible person until payment is received.

(D) Other Enforcement Procedures: The city may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the enforcement of judgments law, California Code of Civil Procedure section 680.010 et seq. (Ord. 1572, 4-24-2001)

Chapter 4B
ADDITIONAL REMEDIES

1-4B-1: ABATEMENT BY CITY:

Pursuant to California Government Code section 38773, the city may abate any nuisance at the expense of the persons creating, causing, committing or maintaining the nuisance and any and all expenses of abatement, including reasonable attorney fees incurred, shall constitute a lien against the property on which the nuisance is maintained and such debt becomes a personal obligation against the property owner. (Ord. 1573, 5-8-2001)

1-4B-2: PROCEDURE FOR CREATION OF NUISANCE ABATEMENT LIEN:

(A) Notice Requirement: Whenever a responsible person refuses to abate a nuisance and the owner or person occupying the property refuses to consent to abatement by the city, the enforcement authority shall serve a written notice to abate such nuisance upon the owner of the property (as shown on the last equalized assessment roll or the supplemental roll, whichever is most current), and on any persons known to be possessing such property.

(B) Contents Of Notice: The notice shall include the following information:

1. The street address, legal description or other description sufficient to identify the affected property;

2. A statement that the property owner and/or person in possession of the property has ten (10) calendar days from the date of the notice to voluntarily abate the nuisance;

3. A statement that the property owner and/or person in possession of the property may, during the period of voluntary abatement: a) file a written request for a hearing with the city clerk as provided for in section 1-4A-30 of this title if there is an objection to the demand to abate the nuisance, or b) present written evidence to the enforcement authority to show that the property owner or person in possession of the property had no responsibility for creating or maintaining the nuisance on the property and that to be required to remove or abate such nuisance will cause financial or physical hardship; and

4. A statement that if the nuisance is not voluntarily abated within the stated period, and the property owner and/or person in possession of the property fails to present the information set forth in subsection (B)3 of this section or to file a timely written request for a hearing, all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the city, the city will abate the nuisance and the costs for such abatement may be charged against the premises and may be recorded as a lien against the premises.

(C) Service Of Notice: The notice to abate the nuisance shall be served in the same manner as a summons in a civil action in accordance with article 3 (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code of Civil Procedure. If the owner of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days. The failure to make or attempt such service on any

person as required herein shall not invalidate any proceedings under this chapter as to any other person duly served.

(D) Failure To Pay Costs; Authority To Record Lien Or To Declare Lien A Special Assessment Against Parcel:

1. Except as to persons who have demonstrated a financial or physical hardship in paying for the costs of abatement, if all or any portion of the costs and expenses incurred by the city in abating the nuisance and accounted for by the enforcement authority remain unpaid after thirty (30) days, pursuant to authority created by law, including Government Code section 38773 et seq., such portion thereof as remains unpaid shall constitute and shall be declared to constitute a lien on the real property which was the subject of notice to abate.

2. Prior to recordation of the lien, notice shall be given to the landowners. If the landowner, after a diligent search, cannot be found, the notice may be served by posting a copy of the notice upon the property subject to the lien, in a conspicuous place, for a period of ten (10) days. The notice shall also be published in a newspaper of general circulation in the city.

3. The lien shall attach when the city manager or his/her designee records a lien listing delinquent unpaid nuisance abatement costs with the El Dorado County recorder's office. The lien shall specify the amount of the lien, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner of the parcel.

4. In addition to the recordation of a lien, the amount of the costs and expenses incurred by the city in abating the nuisance, plus a reasonable administrative fee established by the city council from time to time to cover the cost of collection, may be declared a special assessment against any real property owned by the responsible person within the city to the extent the responsible person owns more than one parcel within the city. The city council may impose the special assessment on more than one parcel. The city manager or his/her designee may present a resolution to the city council to declare a special assessment, and upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the El Dorado County recorder's office. The assessment may then be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

5. In the event that the lien or special assessment is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (D)1 of this section shall be recorded. (Ord. 1573, 5-8-2001)

1-4B-3: TREBLE DAMAGES FOR SUBSEQUENT ABATEMENT JUDGMENTS:

Pursuant to California Government Code section 38773.7, upon the entry of a second or subsequent civil or criminal judgment within a two (2) year period that finds an owner of property responsible for a condition that may be abated in accordance with California Government Code section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include conditions abated pursuant to California Health and Safety Code section 17980. (Ord. 1573, 5-8-2001)

Chapter 5
REVENUE SYSTEM

1-5-1: TRANSFER OF TAX FUNCTIONS TO COUNTY:

The assessor and tax collector of the county shall perform the duties of assessment and tax collection upon all real and personal property for the city. (Ord. 817, 10-16-1958)

1-5-2: DETERMINATION OF NECESSARY REVENUE:

Prior to fixing the rate of taxes, the council shall fix by ordinance the amount of revenue from property taxes necessary to support its departments for the current year and to pay the bonded or other indebtedness of the city, or any portion or district of the city. (Ord. 817, 10-16-1958)

1-5-3: DISTRICT BOUNDARIES; FILING:

On or before the first Monday of July each year, the council shall cause to be filed with the auditor of the county a description of the exterior boundary of each district or portion of the city in which a rate of taxation is to be levied which is different from the rate to be levied in any other district or portion of the city. (Ord. 817, 10-16-1958)

1-5-4: TAX RATES; STATEMENT:

Annually before September 1 the council shall fix the rate of taxes, or rates of taxes if different portions or districts require different rates, designated in the number of cents upon one hundred dollars ($100.00) using as a basis the value of the property as assessed and equalized. The rates shall be sufficient to raise the amount fixed by ordinance and the expense of collection. The council shall immediately transmit to the county auditor a statement of the rates fixed. (Ord. 817, 10-16-1958)

1-5-5: COMPENSATION:

The compensation to be paid to the county for assessing and collecting taxes for the city shall be fixed by agreement between the board of supervisors of the county and the council. (Ord. 817, 10-16-1958)

1-5-6: COLLECTION TIME:

The taxes so levied shall be collected at the time and in the manner of county taxes and paid into the county treasury. The net amount of the taxes, after deduction of the county's compensation, shall be paid to the city treasurer by warrant of the county auditor. (1962 Code)

1-5-7: TAX SALE; REDEMPTION:

The collection of unpaid taxes levied on property by the city shall be enforced by the sale of the property in the manner, at the time, and upon the penalties, of property sold for nonpayment of county taxes. Real property so sold may be redeemed within the time and upon the terms of property sold for nonpayment of county taxes. (1962 Code)

1-5-8: APPORTIONMENT OF REDEMPTION MONEY[1]:

The county auditor shall apportion to the city the money paid for redemption in the proportion to which the tax due the city bears to the total tax for which the real property was sold. (1962 Code)

Chapter 6
PURCHASING SYSTEM

1-6-1: ADOPTION OF PURCHASING SYSTEM:

In order to establish efficient procedures for the purchase of supplies and equipment, to secure for the city supplies and equipment, to secure for the city supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted. (Ord. 1417, 6-23-1987)

1-6-2: PURCHASING OFFICER:

There is hereby created the position of purchasing officer. The city administrator shall be the purchasing officer[1]. The purchasing officer shall have authority to:

(A) Purchase or contract for supplies and equipment required by any department in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer shall adopt and such other rules and regulations as shall be prescribed by the council.

(B) Negotiate and recommend execution of contracts for the purchase of supplies and equipment.

(C) Act to procure for the city the needed quality in supplies and equipment at the least expense to the city.

(D) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.

(E) Prepare and recommend to the council rules governing the purchase of supplies and equipment for the city.

(F) Prepare and recommend to the council revisions and amendments to the purchasing rules.

(G) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.

(H) Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations.

(I) Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications.

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

(K) Maintain a bidders list, vendors catalog file, and records needed for the efficient operation of the purchasing department. (Ord. 1417, 6-23-1987)

1-6-3: EXEMPTIONS FROM CENTRALIZED PURCHASING:

The purchasing officer, with approval of the council, may authorize, in writing, any department to purchase or contract specified supplies and equipment independently of purchasing department, but he shall require that the purchases or contracts shall be made in conformity with the procedures established by this chapter, and shall further require periodic reports from the department on purchases and contracts under such written authorization. (Ord. 1417, 6-23-1987)

1-6-4: BIDDING:

Purchases of supplies and equipment shall be by bid procedures pursuant to sections 1-6-7 and 1-6-8 of this chapter. Bidding shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than one thousand dollars ($1,000.00), or when the commodity can be obtained from only one vendor. (Ord. 1532, 5-14-1996)

1-6-5: PURCHASE ORDERS:

Purchases of supplies and equipment shall be made only by purchase order. (Ord. 1417, 6-23-1987)

1-6-6: ENCUMBRANCE OF FUNDS:

Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Ord. 1417, 6-23-1987)

1-6-7: FORMAL CONTRACT PROCEDURE:

Except as otherwise provided herein, purchases and contracts for supplies and equipment of estimated

value greater than five thousand dollars ($5,000.00) shall be by written contract with the lowest responsible bidder pursuant to the procedure prescribed herein.

(A) Notice Inviting Bids: Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

1. Published Notice: Notice inviting bids shall be given at least ten (10) days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, printed and published in the city, or if there is none, it shall be posted in at least three (3) public places in the city that have been designated by ordinance as the places for posting public notices.

2. Bidders List: The purchasing officer, or designated department head, shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidders list or who have requested their names to be added thereto.

3. Bulletin Board: The purchasing officer, or designated department head, shall also advertise pending purchases by a notice posted on a public bulletin board in the city hall.

(B) Bidder's Security: When deemed necessary by the purchasing officer, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of the bid security; provided, that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the city is responsible for the delay. The council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the council awards the contract to the next bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

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

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

(E) Award Of Contracts: Contracts shall be awarded by the council to the lowest responsible bidder except as otherwise provided herein.

(F) Tie Bids: If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for the bids, the council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

(G) Performance Bonds: The council shall have authority to require a performance bond before entering into a contract in such amount as it shall find reasonably necessary to protect the best

interests of the city. If the council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 1417, 6-23-1987)

1-6-8: INFORMAL BIDDING PROCEDURE:

Purchases of supplies and equipment of an estimated value in the amount of one thousand dollars ($1,000.00), but not more than five thousand dollars ($5,000.00) may be made by the purchasing officer by informal bidding without observing the procedures prescribed by section 1-6-7 of this chapter.

(A) Bids: Three (3) bids shall be obtained, and the purchase shall be awarded based on the following factors: product availability, service and price. A bid from a local vendor shall be given preference if its price is essentially the same as that from a vendor outside the city limits, is responsive, and meets the other applicable provisions of this section.

(B) Local Vendor: "Local vendor" shall mean a business or individual who regularly maintains a place of business and/or has an inventory of merchandise for sale within the boundaries of the city, and has obtained a city business license as provided for in title 5, chapter 1 of this code. (Ord. 1532, 5-14-1996)

1-6-9: INSPECTION AND TESTING:

The purchasing officer or ordering department shall inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The purchasing officer or ordering department shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 1417, 6-23-1987)

ARTICLE A. INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT[1]

1-6A-1: CONTRACTING PROCEDURES; DOLLAR AMOUNT LIMITATIONS:

(A) The city council of the city of Placerville hereby elects to be subject to the uniform construction cost accounting procedures set forth in division 2, part 3, chapter 2, article 2 (commencing with section 22010) of the California Public Contract Code. The dollar amounts set forth hereinbelow shall be subject to any amendments to California Public Contract Code section 22032 as said section may be amended from time to time.

(B) "Public projects", as defined by the uniform public construction cost accounting act ("the act") (commencing with Public Contract Code section 22000), of less than thirty thousand dollars ($30,000.00), or the current amount in section 22032 of the Public Contract Code as it may from

time to time be amended, may be performed by the employees of the city by force account, by negotiated contract, or by purchase order.

(C) Public projects of less than one hundred twenty five thousand dollars ($125,000.00), or the current amount in section 22032 of the Public Contract Code as it may from time to time be amended, may be let to contract by informal procedures as set forth in the act.

(D) Public projects of more than one hundred twenty five thousand dollars ($125,000.00), or the current amount in section 22032 of the Public Contract Code as it may from time to time be amended, shall, except as otherwise provided, be let to contract by formal bidding procedure. (Ord. 1645, 12-13-2011)

1-6A-2: CONTRACTORS LIST:

A list of contractors shall be developed and maintained in accordance with the provisions of section 22034 of the Public Contract Code and criteria promulgated from time to time by the California uniform construction cost accounting commission. (Ord. 1416, 6-23-1987)

1-6A-3: NOTICE INVITING INFORMAL BIDS:

(A) Where a public project is to be performed which is subject to the provisions of this article, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with section 1-6A-2 of this article, and to all construction trade journals as specified by the California uniform construction cost accounting commission in accordance with section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be noticed at the discretion of the department/agency soliciting bids; provided, however:

1. If there is no list of qualified contractors maintained by the city for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission.

2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

(B) All mailing of notices to contractors and construction trade journals pursuant to this section shall be completed not less than ten (10) calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids. (Ord. 1416, 6-23-1987)

Chapter 7
RETIREMENT SYSTEM

1-7-1: PURPOSE:

This chapter is adopted for the purpose of establishing a retirement system under the public employees' retirement system for certain employees of the city. (Ord. 1450, 10-25-1988)

1-7-2: COMMENCEMENT:

The city's participation in the public employees' retirement system commenced on January 1, 1981, pursuant to a contract entered into between the city council of the city and the board of administration of the public employees' retirement system on May 27, 1980, and thereafter may be amended. (Ord. 1450, 10-25-1988)

1-7-3: ELIGIBLE EMPLOYEES:

Employees of the city in the following classes are members of said retirement system except such in each class as are excluded by law or by agreement:

(A) Firefighters (local safety members).

(B) Police officers (local safety members).

(C) Employees other than local safety members (miscellaneous members). (Ord. 1450, 10-25-1988)

1-7-4: RETIREMENT AGE:

"Normal retirement age" shall mean age fifty five (55) for local miscellaneous members, age fifty five (55) for local fire members and age fifty (50) for local police members as set forth in the amendment to the contract between the board of administration of the public employees' retirement system and the city council of the city effective January 6, 2001. Any future amendments to said contract shall supersede the provisions of this section. (Ord. 1568, 11-28-2000)

1-7-5: CONTRACTUAL AGREEMENTS:

The city and its employees shall be bound by all contractual agreements entered into between the city council of the city and the board of administration of the California public employees' retirement system and shall be governed by the public employees' retirement law. (Ord. 1450, 10-25-1988)

Chapter 8
PERSONNEL SYSTEM

1-8-1: ADOPTION OF 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 job related merit and fitness; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted and shall hereby repeal all ordinances and provisions or ordinances inconsistent herewith. (Ord. 1310, 11-9-1982)

1-8-2: PERSONNEL OFFICER:

The city manager shall be the personnel officer. The city manager may delegate any of the powers and duties conferred upon him as personnel officer under this chapter to any other officer or employee of the city included in the management personnel system or may recommend that such powers and duties be performed under contract as provided in section 1-8-9 of this chapter. The personnel officer shall:

(A) Attend all meetings of the personnel board and serve as its secretary.

(B) Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the city council or the personnel board.

(C) Prepare and recommend to the city council personnel rules and revisions and amendments to such rules.

(D) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the city council.

(E) Provide for the publishing or posting of notices of tests for positions in the classified service; the receiving of applications therefor; the conducting and grading of tests; the certification to the department head of a list of all persons eligible for appointment to the appropriate position in the classified service. (Ord. 1310, 11-9-1982)

1-8-3: PERSONNEL BOARD:

There is hereby created a personnel board to consist of five (5) members, to be appointed by the city council, utilizing the following procedure for selection:

(A) Two (2) members shall be selected by the city council.

(B) Two (2) members shall be selected by employees through the process of secret ballot elections. The two (2) candidates receiving the highest number of votes will be certified to the city council, and the council shall appoint same to serve on the board.

(C) The four (4) members thus selected shall then submit one additional name to the council, and the council shall appoint same to serve as the fifth member of the board.

The first board to be appointed shall, at its first meeting, so classify its members by lot that three (3) shall serve for a term which shall expire December 31, 1977, two (2) shall serve for a term which shall expire December 31, 1978. At the expiration of each of the terms so provided for, a successor shall be appointed by the city council in the same manner prescribed above for a term of three (3) years. The personnel board shall adopt rules of procedure and shall select a chairman from among its members who shall act as presiding officer.

Vacancies on the personnel board shall be filled by appointment by the city council in the manner prescribed above for the unexpired term. Each member shall serve until a successor is appointed. A majority vote of the city council shall be required to appoint or remove a member of the personnel board.

No person shall be appointed to the board who holds any elected or appointed office or employment with the city.

The personnel board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses and the power to require the production of evidence by subpoena. Subpoenas shall be issued in the name of the city and attested by the city clerk.

Each member of the personnel board shall have the power to administer oaths to witnesses. (Ord. 1310, 11-9-1982)

1-8-4: DUTIES OF THE PERSONNEL BOARD:

The personnel board shall determine the order of business for the conduct of its meetings and shall meet on call of the chairman or the personnel officer. A majority of the members of the board shall constitute a quorum for the transaction of business.

The board, in a manner provided for in the rules and regulations of the classified service, shall hear appeals submitted by any person in the classified service (who is eligible for appeals pursuant to these rules and regulations or by state and/or federal statute) relative to any disciplinary action, dismissal, demotion, charge of discrimination or alleged violation of this chapter or the rules and regulations of the classified service and shall certify its findings and recommendations as provided in the rules and regulations of the classified service. (Ord. 1310, 11-9-1982)

1-8-5: CLASSIFIED SERVICE:

Personnel rules and regulations for the classified service shall be adopted by resolution of the city council after notice of such action has been publicly posted in at least three (3) public places for at least ten (10) days prior to city council consideration and after all employees have been notified of proposed amendments. All amendments and revisions shall be processed in a like manner. The rules and regulations of the classified service shall apply to all employees, as provided for therein, except those personnel specifically exempted or included in the management personnel system. The rules shall establish regulations governing the classified service personnel system including:

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

(B) Public announcement of all tests and acceptance of applications for 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 lists and making of provisional appointments.

(E) Establishment of probationary periods.

(F) Evaluation of employees during the probationary period and thereafter.

(G) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the classified service.

(H) Separation of employees from the city service.

(I) The establishment of adequate personnel records.

(J) The establishment of appeal procedures concerning the interpretation or application of this chapter and any rules adopted hereunder. (Ord. 1310, 11-9-1982)

1-8-6: MANAGEMENT PERSONNEL:

A management personnel system shall be adopted by resolution of the city council after notice of such action has been publicly posted in at least three (3) public places for at least five (5) days prior to city council consideration and after all management personnel have been notified of proposed amendments. All amendments and revisions shall be processed in a like manner. The management personnel system shall apply to all department head positions, as well as middle management positions and certain confidential employees. Specifically included in the management personnel system shall be the following positions: (Ord. 1310, 11-9-1982)

Executive Group		Middle Management/ Confidential Group
Chief of police		Accountant
City clerk/finance director		Administrative assistant
City manager		Administrative aide
Development services director		Administrative secretary

Director of recreation and parks		Assistant fire chief
Fire chief		Building official
Public works superintendent		City planner
		Maintenance services supervisor
		Police lieutenant
		Recreation supervisor
		Secretary
		Sewer treatment supervisor
		Water distribution supervisor

(Ord. 1310, 11-9-1982; amd. Ord. 1654, 6-25-2013)

The management personnel system shall be designed to isolate key positions in the city service from inappropriate participation in the labor relations process and from personal interest in the outcome of labor disputes over working conditions. The management personnel system shall also be designed in such a way as to facilitate management responsiveness to the direction of the city manager, create a system of accountability to the city council, and provide a reasonable degree of security to management personnel. The management system shall also be designed to enable the city to compete with other organizations for high quality personnel within the labor market.

The management personnel system shall, as applied to certain designated positions, supersede all and any provisions of the rules and regulations of the classified service unless otherwise specified in the management personnel system. The city manager shall have responsibility for interpreting and determining the applicability of the provisions of the management personnel system. (Ord. 1310, 11-9-1982)

1-8-7: EXEMPT SERVICE:

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

(A) Elective officers;

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

(C) Persons employed by independent organizations under contract to supply expert, professional, technical or any other services;

(D) Volunteer personnel who are not regularly employed in full time positions.

(E) City attorney;

(F) 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;

(G) Employees, other than those listed elsewhere in this section, who are not regularly employed in a full time position. (Ord. 1310, 11-9-1982)

1-8-8: EMPLOYMENT ELIGIBILITY:

It shall be the policy of the city to determine employment eligibility without regard to race, color, creed, sex, age, ancestry, national origin, non-job related physical handicap, religion, or political affiliation or lack thereof, personal sponsorship or any other factor which is not related to the satisfactory performance of a particular job pursuant to the city of Placerville's affirmative action program. It shall also be the city's employment policy to comply with all provisions of title VII of the civil rights act as amended by the equal employment opportunity act of 1972 and any subsequent amendments thereof. Additionally, all due consideration shall be given to guidelines set forth by the fair employment practices commission of the state of California and the office of federal compliance. (Ord. 1310, 11-9-1982)

1-8-9: RIGHT TO CONTRACT FOR SPECIAL SERVICES:

The city manager shall consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The city council may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

(A) The preparation of personnel rules and subsequent revisions and amendments thereof.

(B) The preparation of a position classification plan and subsequent revisions and amendments thereof.

(C) The preparation, conduct and grading of competitive tests.

(D) The conduct of employee training programs.

(E) Special and technical services of; advisory or informational character on matters relating to personnel administration. (Ord. 1310, 11-9-1982)

1-8-10: STATUS OF PRESENT EMPLOYEES:

The city council hereby reserves the right, prior to making any determination to recognize or decline to recognize any employee organization or employee bargaining unit, to formally determine and adopt appropriate guidelines for organization recognition and unit determination.

In establishing rules and regulations for the administration of employer-employee relations, the rights of the city shall include, but not be limited to: the exclusive right to determine the mission of its departments, commissions and boards; establish and utilize a chain of command; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work, maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

Employees shall not be obligated to join or participate in any employee organization and no employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the city or any employee or employee organization for exercising his/her right of participation or lack thereof. (Ord. 1310, 11-9-1982)

Chapter 9
CITY OFFICERS

1-9-1: GOVERNING OFFICERS:

The government of the city shall be vested in the following officers:

(A) A council of five (5) members.

(B) A clerk.

(C) A treasurer.

(D) Such subordinate officers or employees as are provided for by law, and deemed necessary by the council for the proper administration of the municipal government[1]. (1962 Code)

1-9-2: QUALIFICATIONS:

No person shall be eligible to hold office as councilman, clerk, or treasurer unless he is an elector of, and has resided in the city for the year preceding his election[2]. (1962 Code)

1-9-3: ELECTIVE OFFICERS; TERMS:

The elective officers of the city shall hold office for a term of four (4) years, and until their successors are elected and qualified[3]. (1962 Code)

1-9-4: OATH:

Before entering upon his duties, each city officer shall take and file with the clerk the constitutional oath of office[4]. (1962 Code)

1-9-5: VACANCIES:

The council shall fill any vacancy occurring in the offices provided for herein, by appointment. If a vacancy occurs in an elective office and the council fails to fill it within thirty (30) days, its shall immediately cause an election to be held to fill the vacancy. Any person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent[5]. (1962 Code)

1-9-6: BONDS OF OFFICERS:

Before entering upon the duties of their offices, the clerk and treasurer shall each execute a bond to the city. The penal sum of the bond shall be the amount recommended by the attorney and fixed by the council not less than thirty (30) days before the election of the officers. The council may require bonds of any other officer or employee of the city, and shall approve all bonds. When approved the clerk's bond shall be filed with the mayor, and other bonds shall be filed with the clerk[6]. (1962 Code)

1-9-7: SALARIES:

Salaries of the city officers shall be as follows: (Ord. 865, 8-17-1961)

(A) (Rep. by Ord. 1169, 9-12-1978)

(B) (Rep. by Ord. 1169, 9-12-1978)

(C) The salaries of appointive officers shall be as set forth by resolution of the council from time to time[7]. (1962 Code)

1-9-8: CITY HALL OFFICE HOURS:

The city hall which is situated at 485 Main Street, will be open to the general public for the purpose of transacting business, Monday through Friday inclusive, between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. of each day, except legal holidays. The city hall shall also be open to the general public for the purpose of attending any council meeting held therein.

The city hall will not be open on either Saturday or Sunday for the transaction of business. (Ord. 1161, 7-25-1978)

1-9-9: MEMBERS OF COMMISSIONS, BOARDS, OR COMMITTEES:

Qualifications for city council are set forth in section 1-9-2 of this chapter, and qualifications for members of the planning commission are set forth in section 2-2-3 of this code. All other members of commissions, boards or committees of the city, except for the community pride/beautification committee, must be residents of the city of Placerville or residents of El Dorado County, and either own real property in the city or manage/operate a business in the city paying a business license tax to the city. Members of the community pride/beautification committee must be residents of El Dorado County. (Ord. 1605, 10-25-2005)

1-9-10: GENERAL MUNICIPAL ELECTIONS:

(A) The general municipal elections for the city shall be held concurrently with and on the same day as the statewide general election, as such elections may be called under the law of the state. The first such election shall be held on November 5, 1996. It is the city's intent to consolidate all such municipal elections with the county of El Dorado, unless otherwise called pursuant to a duly adopted resolution of the city council.

(B) Those elected city officers whose four (4) year terms of office would have, prior to the adoption of this section, expired on Tuesday succeeding the second Tuesday in June of an even numbered year, shall instead continue in their offices until no later than the fourth Tuesday after the day of the general municipal election, and until their successors are elected and qualified.

(C) Within thirty (30) days after this section becomes operative, the city clerk shall cause a notice to be mailed to all registered voters informing the voters of the changes in the election date. The notice shall also inform the voters that as a result of the change in election date, elected city officeholders' terms in office will be changed. (Ord. 1520, 2-28-1995)

Chapter 10
CLERK

1-10-1: RECORD OF PROCEEDINGS:

The clerk shall keep an accurate record of the proceedings of the council in books bearing appropriate titles and devoted exclusively to such purposes. The books shall have a comprehensive general index[1]. (1962 Code)

1-10-2: FINANCIAL RECORDS; STATEMENTS:

The clerk shall be accounting officer of the city and shall maintain records readily reflecting the financial condition of the city.

At the end of each fiscal year he shall prepare and present to the council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury.

He shall cause the financial statement to be published once in a newspaper of general circulation, printed and published in the city. If there is no newspaper, he shall cause copies of the statement to be posted in three (3) public places in the city designated by the council as the places for posting public notices. The statement shall be printed or posted not later than one hundred twenty (120) days after the close of the fiscal year for which the report is compiled[2]. (1962 Code)

1-10-3: ORDINANCE BOOK; CERTIFICATE:

The clerk shall keep a book marked "Ordinances" and record in it all city ordinances with his certificate annexed to each, stating:

(A) It is a true and correct copy of a city ordinance.

(B) The ordinance number.

(C) It has been published or posted pursuant to law[3]. (1962 Code)

1-10-4: CITY RECORDS; USE IN COURT:

The official city records in the custody of the clerk shall not be filed in any court proceedings but shall be returned to the custody of the clerk[4]. (1962 Code)

1-10-5: CUSTODIAN OF CITY SEAL:

The clerk shall be the custodian of the city seal[5]. (1962 Code)

1-10-6: ADDITIONAL DUTIES:

The clerk shall perform such additional duties as may be prescribed by the council and the provisions of this code[6]. (1962 Code)

1-10-7: CERTIFICATION OF OATHS; AFFIDAVIT:

The clerk may administer oaths or affirmations and take and certify affidavits and depositions pertaining to city affairs and business which may be used in any court or proceedings in the state[7]. (1962 Code)

Chapter 11
RESERVED
(Ord. 1082, 2-24-1976)

Chapter 12
RESERVED
(Ord. 1082, 2-24-1976)

Chapter 13
RESERVED
(Ord. 1082, 2-24-1976)

Chapter 14
COUNCIL

1-14-1: TERMS[1]:

The regular terms for the office of city council shall be for four (4) consecutive years. (Ord. 1471, 9-25-1990)

1-14-2: VACANCY FOR ABSENCE[2]:

If a councilman absents himself from all regular council meetings for sixty (60) days consecutively from the last regular meeting he attended, his office becomes vacant and shall be filled as any other vacancy. (1962 Code)

1-14-3: MEETINGS:

(A) Regular Meetings: The regular meetings of the city council shall be held at the hour of six o'clock (6:00) P.M. on the second and fourth Tuesdays of each month unless those dates fall on a holiday, in which event the meetings shall be held at the discretion of the city council. The meetings will be held at town hall, 549 Main Street, Placerville, California, and will be held in accordance with the provisions established by the state of California. (Ord. 1652, 1-22-2013)

(B) Special Meetings: Any special meetings, regardless of their purpose, shall be held in accordance with the provisions established by the state of California. The city council will determine when and where these meetings shall be held and it will be so stated in the notice and agenda for the special meetings. (Ord. 1471, 9-25-1990)

1-14-4: PROCEDURAL RULES[3]:

The council may establish rules for the conduct of its proceedings. It may punish a member or other person for disorderly behavior at a meeting. (1962 Code)

1-14-5: JOURNAL OF PROCEEDINGS[4]:

The council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the clerk shall enter the ayes and noes in the journal. (1962 Code)

1-14-6: COUNCIL TO ACT AS REDEVELOPMENT AGENCY:

It is hereby found that there is a need for a redevelopment agency to function in the city, and the city council is hereby designated as such redevelopment agency, and all rights, powers, duties, privileges and immunities provided for in the community redevelopment law[5] shall be vested in the city council as the redevelopment agency. (Ord. 1319, 4-26-1984)

Chapter 15
MAYOR

1-15-1: MAYOR; SELECTION:

The council shall meet on the Tuesday after the general municipal election and choose one of its number as mayor[1]. (1962 Code)

1-15-2: MAYOR PRO TEMPORE:

The mayor shall preside at the meetings of the council. If he is absent or unable to act, the council shall appoint a mayor pro tempore, who shall serve only until the mayor returns or is able to act. The mayor pro tempore shall have all of the powers and duties of the mayor in his absence[2]. (1962 Code)

1-15-3: CONDUCT AS COUNCILMAN:

The mayor may make or second any motion and present and discuss any matter as a member of the council[3]. (1962 Code)

1-15-4: SIGNATURE:

The mayor shall sign:

(A) All warrants drawn on the treasurer.

(B) All written contracts and conveyances made or entered into by the city.

(C) All instruments requiring the city seal[4]. (1962 Code)

1-15-5: ADMINISTRATION OF OATHS; AFFIDAVITS:

The mayor may administer oaths and affirmations, take affidavits and certify them under his hand[5]. (1962 Code)

1-15-6: ACKNOWLEDGMENTS:

The mayor may acknowledge the execution of all instruments executed by the city and required to be acknowledged[6]. (1962 Code)

Chapter 16
TREASURER

1-16-1: DUTIES:

(A) Keeping Of Money: The treasurer shall receive and safely keep all money coming into his hands as treasurer.

(B) Deposit And Security Of Funds: He shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.

(C) Disbursements: He shall pay out money only on warrants signed by legally designated persons.

(D) Monthly Reports: Regularly, at least once each month, the treasurer shall submit to the clerk a written report and accounting of all receipts, disbursements and fund balances. He shall file a copy thereof with the council[1]. (1962 Code)

Chapter 17
ATTORNEY

1-17-1: DUTIES:

The attorney shall advise the city officials in all legal matters pertaining to city business.

He shall frame all ordinances and resolutions required by the council, and shall perform other legal. services required from time to time by the council[1]. (1962 Code)

Chapter 18
RESERVED
(Ord. 1082, 2-24-1976)

Chapter 19
CITY ADMINISTRATOR

1-19-1: CITY ADMINISTRATOR:

The office of the city administrator of the city is hereby created and established. The city administrator shall be appointed by the city council on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council. (Ord. 1437, 3-22-1988)

1-19-2: RESIDENCE:

Within one hundred eighty (180) days after having been appointed city administrator, the city administrator shall be required to reside either within the city or within a radius of five (5) miles from the city limits of the city. (Ord. 1437, 3-22-1988)

1-19-3: ELIGIBILITY:

No member of the city council shall be eligible for appointment as city administrator until one year has elapsed after such council member shall have ceased to be a member of the city council. (Ord. 1437, 3-22-1988)

1-19-4: BOND:

The city administrator shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the said city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city administrator as herein prescribed. Any premium for such bond shall be a proper charge against the city. (Ord. 1437, 3-22-1988)

1-19-5: ACTING CITY ADMINISTRATOR:

During any period that the city administrator is absent, or disabled, the city administrator may designate a qualified city employee to exercise the powers and perform the duties of acting city administrator during his temporary absence or disability up to a maximum of thirty (30) days. For any absences or disabilities over thirty (30) days, the city council shall designate the acting city administrator. (Ord. 1437, 3-22-1988)

1-19-6: COMPENSATION:

The city administrator shall receive such compensation as the city council shall from time to time determine. In addition, the city administrator shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties. (Ord. 1437, 3-22-1988)

1-19-7: POWERS AND DUTIES:

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

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

(B) Authority Over Employees: It shall be the duty of the city administrator, and he shall have the authority to control, order, and give directions to all heads of departments and to subordinate officers and employees of the city under his jurisdiction through their department heads.

(C) Power Of Appointment And Removal: It shall be the duty of the city administrator to, and he shall appoint, remove, promote and demote any and all officers and employees of the city, except that for the removal and appointment of department head positions, he shall receive official confirmation of such appointment or removal by a majority of the city council. Appointment, removal, promotion and demotion of any and all officers and employees of the city shall be subject to all applicable personnel ordinances, rules, and regulations. The city attorney, city clerk, and city treasurer are not subject to the appointment and removal procedure herein described.

(D) Administrative Reorganization Of Offices: It shall be the duty and responsibility of the city administrator to conduct studies and effect such administrative reorganization of offices, positions or units under his direction as may be indicated in the interest of efficient, effective, and economical conduct of the city's business.

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

(F) Attendance At City Council Meetings: It shall be the duty of the city administrator to attend all meetings of the city council unless at his request he is excused therefrom by the mayor individually or by the city council, except when his removal is under consideration.

(G) Financial Reports: It shall be the duty of the city administrator to keep the city council at all times fully advised as to the financial condition and needs of the city.

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

(I) Expenditure Control And Purchasing: It shall be the duty of the city administrator to see that no expenditures shall be submitted or recommended to the city council except on approval of the city administrator or his authorized representative. The city administrator, or his authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city[1].

(J) Investigations And Complaints: It shall be the duty of the city administrator to make investigation into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the city administrator to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in said city.

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

(L) Additional Duties: It shall be the duty of the city administrator to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the city council. (Ord. 1437, 3-22-1988)

1-19-8: INTERNAL RELATIONS:

(A) Council-Administrator Relations: The city council and its members shall deal with the administrative services of the city only through the city administrator, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city administrator. The city administrator shall take his orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilman shall give any orders or instructions to the city administrator.

(B) Departmental Cooperation: It shall be the duty of all subordinate officers and the city clerk, city treasurer, and city attorney to assist the city administrator in administering the affairs of the city efficiently, economically and harmoniously.

(C) Attendance At Commission Meetings: The city administrator may attend any and all meetings of the planning commission, recreation and parks commission, and any other commissions, boards or committees created by the city council, upon his own volition or upon direction of the city council. At such meetings which the city administrator attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform said members as to the status of any matter being considered by the city council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (Ord. 1437, 3-22-1988)

1-19-9: REMOVAL PROCEDURE:

(A) Termination By City: If the city desires to terminate the employment of the city administrator, the city shall give written notification to the city administrator and the city administrator shall continue his employment with the city as city administrator for a period of sixty (60) days after receiving the written notification of the desire of the city to terminate his employment.

(B) Termination By City Administrator: If the city administrator desires to terminate his employment with the city, he shall give written notification to the city and he agrees to continue his employment with the city for a period of sixty (60) days after the written notification of his desire to terminate his employment with the city has been received by the city. (Ord. 1437, 3-22-1988)

1-19-10: AGREEMENTS ON EMPLOYMENT:

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city administrator delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter. (Ord. 1437, 3-22-1988)

1-19-11: CITY ADMINISTRATOR AS CITY MANAGER:

All references in the city code, ordinances, personnel code, resolutions or other policy documents to "city manager" shall apply to and be interchangeable with the "city administrator". All powers, duties, authority, responsibilities and privileges conferred upon the city manager are hereby vested in the city administrator. (Ord. 1437, 3-22-1988)

Chapter 20
RESERVED
(Ord. 1082, 2-24-1976)

Chapter 21
SALARIES FOR COUNCIL MEMBERS

1-21-1: PURPOSE:

This chapter is enacted pursuant to section 36516 of the Government Code, authorizing the council to provide by ordinance that each member of the council shall receive a prescribed salary the amount of which is based upon the population of the city as determined by the last preceding federal census, or a subsequent census, or estimate validated by the department of finance. (Ord. 1359, eff. 1-1-1985)

1-21-2: SALARIES:

Each member of the city council shall receive a salary in the sum of three hundred fifty three dollars ($353.00) per month in accordance with Government Code section 36516, effective March 27, 2003. (Ord. 1592, 2-25-2003)

1-21-3: BENEFITS:

Any amounts paid for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this chapter provided the same benefits are available and paid by the city for its employees. (Ord. 1359, eff. 1-1-1985)

Chapter 22
FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM

1-22-1: FINDINGS AND INTENT:

(A) Pursuant to article XIII B of the California constitution, it is the intent of the city council to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefor in providing the regulation, products or services hereinafter enumerated in this chapter.

(B) The fee and service charge revenue/cost comparison system set forth in this chapter provides a mechanism for ensuring that fees adopted by the city for services rendered do not exceed the reasonable estimated cost for providing the services for which the fees are charged.

(C) The adoption of this chapter is exempt from the California environmental quality act[1], because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of city departments, as set forth in Public Resources Code section 21080(b)(8). (Ord. 1577, 8-14-2001)

1-22-2: DELEGATION OF AUTHORITY AND DIRECTION TO MANAGER:

(A) The city manager is delegated the authority and directed to provide documents to the city council to implement its herein enumerated policy to adjust fees and charges to recover the percentage of costs reasonably borne as established hereby, in providing the regulation, product or service enumerated in this chapter in the percentage of costs reasonably borne and on the schedule of rate review and revision as hereinafter established in this chapter.

(B) The city manager is delegated authority to issue executive orders defining terms, setting out administrative, fee collection and financial procedures, definitions and establishing effective dates of all fees set by the city council by resolution. All executive orders shall be originated and signed by the affected department head, shall be signed by the administrative services director certifying that the financial requirements of this chapter are complied with, and shall be signed by the city

manager connoting the effective date of the executive order and new or reviewed rate structure, procedure or definition.

(C) "Costs reasonably borne" shall be as defined in section 1-22-3 of this chapter. In adjusting fees and charges, the city manager shall act in an administrative and ministerial capacity and shall consider only the standards and criteria established by this chapter, and the procedures set hereby and by applicable state law. All executive orders issued hereunder shall comply in all respects with this chapter, and the several schedules of fees and rates as set by the city council by resolution. (Ord. 1577, 8-14-2001)

1-22-3: COSTS REASONABLY BORNE, DEFINED:

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

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

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

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

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

(E) Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subsections (A), (B), (C) and (F) of this section.

(F) Debt service costs, consisting of repayment of principal, payment of interest and trustee fees and administrative expense for all applicable bond, certificate, note or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves, beyond basic debt service costs, also shall be considered a cost if required by covenant within any

securities ordinance, resolution, indenture or general law applicable to the city. (Ord. 1577, 8-14-2001)

1-22-4: SCHEDULE OF FEES AND SERVICE CHARGES:

(A) The city manager, administrative services director, and each city department head under the direction of the city manager, shall review annually the fees and services charges listed in this section, and provide an adjusted fee or charge schedule to the city council for its consideration so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service. The percentage of costs reasonably borne necessary to provide the listed regulation, product or service shall be limited to the extent the charge for any such regulation, product or service is governed by state law or a state code adopted by the city. Any section/sections of this code which, prior to the adoption of this chapter, provided for a fee or charge for any regulation, product or service set forth herein shall be rescinded and superseded by this chapter. The city council shall, no less than annually, set and/or adjust by resolution the fees and services charges listed in this chapter. (Ord. 1577, 8-14-2001; amd. Ord. 1642, 6-14-2011)

CITY OF PLACERVILLE MASTER FEE SCHEDULE

Fee Description	Department	Target Subsidy Percent Of Costs Reasonably Borne
COMMUNITY DEVELOPMENT:		
Appeal (building board of appeals)	Building	25
Building; expired permit	Building	0
Building inspection	Building	0
Building permit	Building	0
Building permit renewal	Building	0
Certificate of occupancy	Building	0
Demolition permit	Building	0
Overtime inspection	Building	0
Reinspection fee	Building	0
Temporary certificate of occupancy - major	Building	0
Temporary certificate of occupancy - minor	Building	0
Park development fee	Building/parks	0
Annexation	Planning	0
Appeals (staff and commission)	Planning	60
Burn down letter	Planning	30
Common driveway	Planning	0

Conditional use permit/major (requires initial study/negative declaration)	Planning	0
Conditional use permit/minor (categorical/statutory exemption)	Planning	0
Covenants, conditions and restrictions review	Planning	10
Development agreement	Planning	0
Environmental assessment/initial study/negative declaration-mitigated negative declaration	Planning	0
Environmental assessment/initial study/notice of exemption	Planning	0
Environmental impact report	Planning	0
Final subdivision map	Planning	0
General plan amendment (map or text)	Planning	0
Historic district review	Planning	25
Landscape plan review (planning commission)	Planning	20
Minor deviation	Planning	20
Notice of determination with "de minimus" finding	Planning	0
PD overlay	Planning	0
Preliminary plan review	Planning	25
Record duplication - grading/TIs, etc.	Planning	0
Record duplication - nonresidential	Planning	0
Record duplication - residential permits	Planning	30
Sign package amendment (planning commission)	Planning	0
Sign package review (planning commission)	Planning	0
Sign permit	Planning	0

Site plan review major amendment	Planning	0
Site plan review/projects under $50,000.00	Planning	0
Site plan review/projects $50,001.00 - $250,000.00	Planning	0
Site plan review/projects $250,001.00 and up	Planning	0
Special event signage	Planning	50
State traffic impact fees	Planning	0
Temporary manufactured housing/ commercial coach permit	Planning	0
Temporary use permit	Planning	0
Tentative subdivision map	Planning	0
Tentative subdivision map extension	Planning	0
Time extension (use permit, design review)	Planning	0
Traffic impact fees	Planning	0
Variances/major (requires initial study/negative declaration)	Planning	0
Variances/minor (categorical/statutory exemption)	Planning	0
Zone change (map or text)	Planning	0
Zoning/floodplain letter	Planning	30
Zoning interpretation (planning commission)	Planning	0
POLICE DEPARTMENT:		
ABC license review	Police	0
Abandoned vehicle abatements	Police	50
Billing for costs of police security/ contract services	Police	0
Booking fee - cite and release	Police	0

Burglar alarm permit - commercial	Police	0
Burglar alarm permit - residential	Police	55
Card room dealer	Police	10
Clearance letter	Police	40
Concealed weapons permit (new)	Police	0
Concealed weapons permit (renewal)	Police	35
Copies of crime and TC reports	Police	0
DUI response	Police	0
Daily log inquiries	Police	0
Disturbance callback	Police	0
Extensive records research/copies	Police	0
False alarm response (first)	Police	100
False alarm response (4 in 30 days)	Police	50
False alarm response (7 in 60 days)	Police	50
False alarm response (8 in 180 days)	Police	50
Federal firearms license (residence check)	Police	0
Fingerprints (includes bookings)	Police	10
Impounded vehicle releases	Police	0
Parade permit/special event	Police	0
Parking permit (tennis club)	Police	0
Pawnbroker permit	Police	0
Police photo/video reproduction	Police	0
Registrants (290/11590/457.1)	Police	0
Repossessed vehicle releases	Police	0
Research departmental records	Police	0
Ride-alongs (other than citizens or applicants)	Police	0

Security plan check	Police	0
Solicitor's permit	Police	0
Special traffic control	Police	0
Taxicab driver permit	Police	0
Taxicab driver renewal	Police	0
Taxicab permit - proprietary	Police	0
Temporary parking permit	Police	0
VIN verification	Police	60
Vacation house check	Police	0
Vehicle cite correction - signoff	Police	100
Vehicle escorts (wide load, etc.)	Police	0
Vehicle lockout	Police	100
PUBLIC WORKS/ENGINEERING:		
Abandonment of right of way	Public works	50
Agreement review: site improvement	Public works	0
Amended boundary line adjustment	Public works	0
Amended parcel map	Public works	0
Amended subdivision map	Public works	0
Amended tentative parcel map (4 parcels or less)	Public works	0
Amended tentative subdivision map	Public works	0
Amended 20-1/2 parcel map	Public works	0
Bond review: grading/completion/ restoration	Public works	25
Bond review: public improvement	Public works	0
Bond review: site improvement	Public works	0
Boundary line adjustment	Public works	0
Boundary line agreement	Public works	0
Certificate of compliance	Public works	0
Certificate of correction	Public works	50
Certificate of merge	Public works	0

Change of address	Public works	0
Change orders	Public works	0
Commercial/MF building plan review	Public works	0
Document recording fees	Public works	0
Encroachment: commercial driveway	Public works	0
Encroachment: miscellaneous encroachment	Public works	0
Encroachment: parking/loading	Public works	0
Encroachment: permit extension	Public works	0
Encroachment: preinspection	Public works	0
Encroachment: residential driveway	Public works	0
Encroachment: temporary parking permit	Public works	20
Final subdivision map check	Public works	0
Grading change orders	Public works	0
Grading improvement agreement review	Public works	0
Grading permit	Public works	0
Grading permit extension	Public works	0
Grading plan review	Public works	0
Grading presite inspection	Public works	0
Improvement agreement review	Public works	0
Lighting, landscape and maintenance	Public works	0
Parcel map check	Public works	0
Permit appeal: public ROW encroachment	Public works	0
Pregrading inspection	Public works	0
Private sewer/water/storm maintenance agreement	Public works	0
Public ROW encroachment: permit agreement	Public works	0
Reinspection	Public works	0
Residential building plan	Public works	0

review		
Response letter	Public works	40
Reversion to acreage parcel map	Public works	0
Revised grading plan review	Public works	0
Revised site improvement plan review	Public works	0
SF building inspection	Public works	0
Sewer application	Public works	0
Sewer/water/storm drain extension application	Public works	0
Site improvement permit	Public works	0
Site improvement plan review	Public works	0
Street/easement vacation/abandonment	Public works	30
Street frontage improvement agreement - commercial/multi-family	Public works	0
Street frontage improvement agreement - residential	Public works	20
Street name/rename petition	Public works	0
Tenant improvements plan review (with change in building occupancy)	Public works	0
Tentative parcel map	Public works	0
Tentative parcel map extension	Public works	0
Tentative parcel map revisions	Public works	0
Transportation permit (annual)	Public works	0
Transportation permit police escort	Public works	0
Transportation permit (single trip)	Public works	0
20-1/2 parcel map	Public works	0
Water application	Public works	0
RECREATION:		

Facility Rental - Town Hall, Scout Hall And Lions Park:

Senior Citizen Groups:

Senior: town hall hourly rental - main hall (first hour)	Public services	n/a
Senior: town hall hourly rental - main hall (additional hour)	Public services	n/a
Senior: town hall hourly rental - $^1/_2$ hall (first hour)	Public services	n/a
Senior: town hall hourly rental - $^1/_2$ hall (additional hour)	Public services	n/a
Senior: town hall hourly rental - upstairs large (first hour)	Public services	n/a
Senior: town hall hourly rental - upstairs large (additional hour)	Public services	n/a
Senior: town hall hourly rental - upstairs small (first hour)	Public services	n/a
Senior: town hall hourly rental - upstairs small (additional hour)	Public services	n/a
Senior: scout hall hourly rental (first hour)	Public services	n/a
Senior: scout hall hourly rental (additional hour)	Public services	n/a

Not For Profit Meeting Groups:

Meetings - no sales: town hall hourly rental - main hall (first hour)	Public services	n/a
Meetings - no sales: town hall hourly rental - main hall (additional hour)	Public services	n/a
Meetings - no sales: town hall hourly	Public services	n/a

rental - $^1/_2$ hall (first hour)		
Meetings - no sales: town hall hourly rental - $^1/_2$ hall (additional hour)	Public services	n/a
Meetings - no sales: town hall hourly rental - upstairs large (first hour)	Public services	n/a
Meetings - no sales: town hall hourly rental - upstairs large (additional hour)	Public services	n/a
Meetings - no sales: town hall hourly rental - upstairs small (first hour)	Public services	n/a
Meetings - no sales: town hall hourly rental - upstairs small (additional hour)	Public services	n/a
Meetings - no sales: scout hall hourly rental (first hour)	Public services	n/a
Meetings - no sales: scout hall hourly rental (additional hour)	Public services	n/a
Social Events - No Admission Charged:		
Social: town hall hourly rental - main hall (first hour)	Public services	n/a
Social: town hall hourly rental -	Public services	n/a
Social: town hall hourly rental - main hall (additional hour)	Public services	n/a
Social: town hall hourly rental - $^1/_2$ hall (first hour)	Public services	n/a
Social: town hall hourly rental - $^1/_2$ hall (additional hour)	Public services	n/a
Social: town hall hourly	Public services	n/a

rental - upstairs large (first hour)		
Social: town hall hourly rental - upstairs large (additional hour)	Public services	n/a
Social: town hall hourly rental - upstairs small (first hour)	Public services	n/a
Social: town hall hourly rental - upstairs small (additional hour)	Public services	n/a
Social: scout hall hourly rental (first hour)	Public services	n/a
Social: scout hall hourly rental (additional hour)	Public services	n/a
Other Uses:		
All other: town hall hourly rental - main hall (first hour)	Public services	n/a
All other: town hall hourly rental - main hall (additional hour)	Public services	n/a
All other: town hall hourly rental - $^1/_2$ hall (first hour)	Public services	n/a
All other: town hall hourly rental - $^1/_2$ hall (additional hour)	Public services	n/a
All other: town hall hourly rental - upstairs large (first hour)	Public services	n/a
All other: town hall hourly rental - upstairs large (additional hour)	Public services	n/a
All other: town hall hourly rental - upstairs small (first hour)	Public services	n/a
All other: town hall hourly rental - upstairs small (additional hour)	Public services	n/a
All other: scout hall hourly	Public services	n/a

rental (first hour)		
All other: scout hall hourly rental (additional hour)	Public services	n/a
Lions park softball field rental (first 2 hours - no lights)	Public services	n/a
Lions park softball field rental (first 2 hours - lights)	Public services	n/a
Lions park softball field rental (full-day tournament)	Public services	n/a
Lions park softball field rental ($^1/_2$-day tournament)	Public services	n/a
Lions park picnic area	Public services	n/a
Swimming pool rental (first hour)	Public services	n/a
Swimming pool rental (additional hour)	Public services	n/a
Equipment Rental:		
Barbecue rental	Public services	n/a
Lions park tennis keys	Public services	n/a
Picnic kit rental	Public services	n/a
Shade rental	Public services	n/a
Volleyball kit rental	Public services	n/a
Recreational Programs:		
Adult basketball (per team)	Public services	n/a
Adult softball (per team)	Public services	n/a
Competitive swim team program	Public services	n/a
Gold Bug park general tour admissions - adult	Public services	n/a

Gold Bug park general tour admissions - youth	Public services	n/a
Gold Bug park gold pan rental - adult	Public services	n/a
Gold Bug park gold pan rental - youth	Public services	n/a
Recreational swimming - general admission	Public services	n/a
Recreational swimming - lap swim	Public services	n/a
Recreational swimming - senior swim	Public services	n/a
Special interest classes	Public services	n/a
Swim lessons (group lesson)	Public services	n/a
Swim lessons (private lesson)	Public services	n/a
Swim training team	Public services	n/a
Youth basketball (per player)	Public services	n/a
Youth camp	Public services	n/a
ADMINISTRATIVE SERVICES:		
Agenda mailing charge	Administrative services	n/a
Agenda reproduction	Administrative services	0
Bad account collection fee	Administrative services	0
Bingo license	Administrative services	0
Business license	Administrative services	0
Document certification	Administrative services	0
Documents in storage: record reproduction (requested under the public records act)	Administrative services	0

Duplicate business license	Administrative services	0
Franchise application	Administrative services	0
Minutes reproduction	Administrative services	0
Miscellaneous research (for records not requested under the public records act)	Administrative services	0
Notary public fee - noncity	Administrative services	0
Outdoor music festival application	Administrative services	0
Outdoor music festival permit	Administrative services	0
Pawnbroker permit	Administrative services	0
Payment plan fee	Administrative services	60
Record reproduction (requested under the public records act)	Administrative services	0
Restaurant and vending machine permit	Administrative services	0
Returned check fee	Administrative services	0
Transient occupancy tax registration	Administrative services	0
Utility reinstatement	Administrative services	0
Utility shutoff	Administrative services	0
Utility 48 hour notice late fee	Administrative services	70
Vacation: utility shutoff - 1 annually	Administrative services	100
Vacation: utility shutoff - more than 1 annually	Administrative services	0

(Ord. 1577, 8-14-2001; amd. Ord. 1627, 9-9-2008)

(B) The schedule of frequency of rate adjustments may be varied by the city manager to adjust revenues sufficient to meet debt service coverage requirements of any bond, certificate or

ordinance, resolution, indenture, contract or action under which securities have been issued by the city which contain any coverage factor requirement.

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

(D) The city manager may vary the review schedule listed in this section if, in the judgment of the city manager and a directly affected and requesting department head, a gross inequity would be perpetrated by not revising the rate schedule. Any such rate revision which deviates from the review schedule as set herein shall be reported to the city council at its next succeeding meeting. (Ord. 1577, 8-14-2001)

1-22-5: STATUTORY PUBLIC MEETING:

Pursuant to California Government Code section 66016, the city clerk shall cause notice to be provided as set out in Government Code sections 66016 and 6062a, and the city council periodically, at least annually, shall receive at the regularly scheduled meeting oral and written presentations concerning fees and charges proposed to be increased or added. Such notice, oral and written presentation, and public meeting shall be provided prior to the city council taking any action on any new or increased fees or charges. At least one such public hearing shall be held annually, in conjunction with the city annual budget process and hearing. (Ord. 1577, 8-14-2001)

1-22-6: PROVISION OF DATA:

Pursuant to the California Government Code, at least ten (10) days prior to the required public hearing set out herein, the city manager shall make available to the public appropriate data indicating the costs or estimated costs required to support the fees and charges for which changes are proposed to be made or fees or charges imposed. The city manager also shall provide a summary of the present fee and charge schedules and those proposed at such annual public hearing. A general explanation of such changes also shall be published per the requirements of Government Code section 6062a. (Ord. 1577, 8-14-2001)

1-22-7: APPEAL TO CITY COUNCIL:

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

(B) No fee or charge for which an appeal has been filed shall take effect until heard by the city council. Such appeal shall be placed on the agenda of the next ensuing council meeting. Such appealed fee or charge shall take effect immediately upon hearing by the city council unless ordered otherwise by the city council by ordinance amending this chapter. (Ord. 1577, 8-14-2001)

Chapter 23
EMERGENCY ORGANIZATIONS AND FUNCTIONS

1-23-1: PURPOSE:

The declared purpose of this chapter is to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency. (Ord. 1681, 9-27-2016)

1-23-2: DEFINITIONS:

As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, avalanche, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city, requiring the combined forces of other political subdivisions to combat. (Ord. 1681, 9-27-2016)

1-23-3: DIRECTOR OF EMERGENCY SERVICES:

(A) There is hereby created the office of director of emergency services. The city manager or his or her designee shall serve as director of emergency services.

(B) The director of emergency services shall approve, by separate policy of the city of Placerville, emergency preparedness plans and other policies and procedures relating to emergency response including establishment and facilitation of the emergency operations center.

(C) The director is empowered to:

1. Request the city council to proclaim the existence or threatened existence of an "emergency" if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;

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

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

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

5. Activate the emergency operations center to facilitate the emergency efforts of the city;

6. Represent this city in all dealings with the public or private agencies on matters pertaining to emergencies as defined in this chapter;

7. 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 state office of emergency services, or the existence of a "state of war emergency", the director is empowered:

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

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

   (c) To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency", to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;

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

   (e) To execute all of his or her ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution of emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council, and by any other lawful authority. (Ord. 1681, 9-27-2016)

1-23-4: EXPENDITURES:

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 1681, 9-27-2016)

1-23-5: VIOLATIONS:

It shall be a violation of this chapter for any person, during an emergency, to wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter. (Ord. 1681, 9-27-2016)

Title 2
COMMISSIONS AND BOARDS

Chapter 1
CITY-COUNTY HEALTH CONTRACT

2-1-1: CONTRACT WITH COUNTY; APPROVAL:

Whereas, the council has determined that it would be for the best interest of the city for it to enter into a contract with the county of El Dorado for the county to enforce all public health laws within the city; and

Whereas, the council has examined and approved a contract for such services, which has been submitted to the council by the county of El Dorado, a copy of which is attached hereto, it is hereby resolved that the contract be approved by the council and that Merle Thomas as mayor and Harold W. Duden, as city clerk, are hereby authorized and instructed to execute the contract on behalf of the city.

AGREEMENT

This Agreement, made and entered into in quadruplicate this first day of December, 1952, by and between County of El Dorado, a political subdivision of the State of California, hereinafter referred to and called "County", and the City of Placerville, a municipal corporation, hereinafter called "City",

WITNESSETH:

Whereas, the respective parties hereto have found it will be for the best interest of said City and of said County that the County Health Officer of El Dorado County act for said City of Placerville.

Now, Therefore, pursuant to authority vested in the above referred to public agencies and in consideration of the payments hereinafter provided for, and of the performance of the covenants hereinafter contained, the said County and said City agree that the Health Officer of said County shall perform in said City all the functions relating to the enforcement in said City of all ordinances of said City relating to public health and general sanitation, and the making of all inspections and the performance of all functions in connection therewith, and of all functions and duties as authorized under Sections 480, 481 and 482 of the Health and Safety Code, State of California, including control of communicable diseases general sanitation, food inspection, quarantine and isolation regulations and other public health matters as are now or may hereafter be conferred upon health officers by State law and local ordinances within the City or County, Said County agrees to furnish to said City such services of a health officer at the date thereof or at any time during the life of this agreement.

It is understood and agreed that this contract shall be in force and effect until terminated, as hereinafter provided.

In consideration of the agreement of the County herein contained, the City agrees to pay to the County the sum of one dollar ($1.00) for the services performed for the City by the County under the terms of this agreement.

It is understood and agreed that said City may as it sees fit appoint additional public health personnel for duty within said City except that such appointments shall be passed upon by the Health Officer as to ability and qualifications, and that all such appointees shall be under the control and supervision of the Health Officer. The expense involved as to salaries, mileage, supplies and equipment for City appointed public health personnel shall not be chargeable to said County. Said City further agrees that said Health Officer of said County shall have such power and assistance in said City, including access to such information and records of said City necessary and usually extended to the City Health Officer for law enforcement.

Said City agrees and understands that said Health Officer may perform services for said County outside of said City; provided, however, that City appointees will cooperate under the orders of the Health Officer with County Public Health personnel in problems wherein mutual benefit to said City and said County is involved, and that there will be no duplication of service by the above named public

health personnel.

It is also further understood and agreed that copies of this agreement will be distributed to said County and said City, and County Health Officer, and the California State Department of Public Health, Division of Local Health Service, 639 Phelan Building, 760 Market Street, San Francisco 2, California.

It is also further understood and agreed that either party hereto may terminate and end this agreement on the first day of any month during the life of this agreement by giving to the other party thirty (30) days notice of its intention to so terminate and end this agreement, anything herein contained to the contrary thereof notwithstanding.

In Witness Whereof, the said County has, by order of the Board of Supervisors, caused this agreement to be subscribed by the Chairman of said Board of Supervisors, and to be attested and the seal of said Board affixed hereto by the Clerk of said Board, and the City has, by order of its City Council, caused this agreement to be subscribed on its behalf by the Mayor of said City and to be attested and the seal of said City affixed hereto by the Clerk of said City as of the day and year first above written.

(Res. 692, 12-15-1952)

Chapter 2
PLANNING COMMISSION

2-2-1: ESTABLISHMENT OF PLANNING COMMISSION:

There is hereby established a planning commission pursuant to chapter 3 of title 7 of the California Government Code, to be known as the "planning commission of the city". (Ord. 856, 4-20-1961)

2-2-2: DUTIES OF COMMISSION:

The planning commission shall prepare and adopt a master plan setting forth a comprehensive, long term general plan for the physical development of the city, and shall have such other duties, functions and powers as are set forth in title 7 of the California Government Code. (Ord. 856, 4-20-1961)

2-2-3: MEMBERS:

The planning commission shall consist of five (5) regular members. Each regular seat on the commission shall be designated by number from one to five (5). All appointments to the planning commission shall be made as follows:

(A) Interview: When an appointment is to be made to the planning commission the city council shall interview all eligible persons who have applied for an appointment together with any other eligible person who has been recommended by any member of the city council. (Ord. 1361, 12-11-1984)

(B) Interview Vacancy Procedures: The interview time shall be set by the mayor. If there is a scheduled or unscheduled vacancy, any of the council members desiring to submit names for consideration shall do so at least five (5) days before the interview. Notice of the scheduled vacancy shall be published at least once in a newspaper of general circulation in the city and shall be posted in the office of the city clerk no later than forty five (45) days before the scheduled vacancy. Interviews for a scheduled vacancy shall take place no later than fifteen (15) days before the vacancy occurs, and the appointment shall be made at the council meeting immediately preceding the scheduled vacancy, with the appointment to be effective as of the date of the scheduled vacancy. In the event that there is an unscheduled vacancy, notice of such vacancy shall be posted as required by Government Code section 54974, and the appointment shall be made at the next council meeting after the interviews are completed, but in no event shall the appointment be made prior to ten (10) working days after the posting of said notice, unless an emergency exists, in which case the appointment may be made pursuant to Government Code section 54974(b). Members appointed for a scheduled or unscheduled vacancy shall be by majority vote of the city council members. (Ord. 1500, 12-8-1992)

(C) Qualification Requirements: Upon appointment to the planning commission, the appointee shall either be: 1) a city resident, or 2) a property owner within the city limits and who lives within the community region, or 3) a primary business owner within the city limits who lives within the community region, as shown on exhibit A attached to the ordinance codified herein, available for inspection in the office of the city clerk. A majority of the planning commissioners shall be residents within the city limits. Said term shall automatically expire if he/she no longer meets the qualification requirements. (Ord. 1555, 2-9-1999)

2-2-4: TERMS:

The terms of regular members appointed shall be for four (4) years, and shall expire on March 1 of odd numbered years. The terms of three (3) members of the commission shall run simultaneous to the same year in which a city council election is held for three (3) seats. The terms of the other two (2) members of the commission shall run simultaneous to the same year in which a council election is held for two (2) seats. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the terms. (Ord. 1620, 1-8-2008)

2-2-5: REMOVAL; COMPENSATION:

Any regular member of the commission may be removed by a majority vote of the council. The regular members of the planning commission shall receive the sum of seventy five dollars ($75.00) each for each day's attendance at a regular, adjourned or special meeting of the commission; provided, however, that no member shall receive in excess of one hundred fifty dollars ($150.00) in any one month. (Ord. 1599, 10-12-2004)

2-2-6: OFFICERS OF COMMISSION:

The planning commission shall elect a chairperson and a vice chairperson from among the regular members, and shall appoint a secretary, who need not be a member of the commission, for the terms and in the manner set forth in the bylaws of the commission. (Ord. 856, 4-20-1961)

2-2-7: BYLAWS AND RECORDS:

The planning commission shall adopt bylaws providing for the method of electing officers, time and place of regular meetings of the commission, which shall be held at least once each month, and such other rules as may be necessary for the transaction of the business of the commission and shall keep a public record of its resolutions, transactions, findings, and determinations[1]. (Ord. 856, 4-20-1961)

Footnote 1: Gov.C. § 65300 et seq.

Chapter 3
CIVIL DEFENSE

2-3-1: PURPOSES:

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of person and property within the county of El Dorado in the event of a disaster, and to provide for the coordination of the civil disaster functions of the city of Placerville with the city of South Lake Tahoe and the county of El Dorado and all other affected public agencies, corporations and organizations within the county of El Dorado. (Ord. 946, 4-19-1966)

2-3-2: DEFINITIONS:

As used in this chapter, the following terms shall have the meanings herein ascribed to them:

CIVIL DEFENSE: The preparation for the implementation of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters.

DISASTER: Actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. (Ord. 946, 4-19-1966)

2-3-3: CIVIL DISASTER COUNCIL:

The El Dorado County civil disaster council is hereby created and shall consist of the following:

(A) Two (2) members appointed by the chairman of the board of supervisors of the county, one of whom shall be a member of the board of supervisors;

(B) Two (2) members appointed by the mayor of each city, one of whom shall be a member of the city council of each city;

(C) The civil defense area coordinator appointed by the board of supervisors with concurrence of the city councils, who shall serve as an ex officio member of the civil disaster council without vote;

(D) The county legal counsel who shall serve as an ex officio member of the civil disaster council without vote;

(E) City manager or other administrative employee of each city as determined by his city council, who shall serve as an ex officio member of the civil disaster council without vote. (Ord. 946, 4-19-1966)

2-3-4: CIVIL DISASTER COUNCIL POWERS AND DUTIES:

It shall be the duty of the El Dorado County civil disaster council, and it is hereby empowered, to review and recommend for adoption by the county board of supervisors and city councils, civil defense and disaster and mutual aid plans and agreements, and such ordinances and resolutions, and rules and regulations, as are necessary to implement such plans and agreements. The members of the civil disaster council shall elect a chairman, vice chairman, and such other officers as they deem necessary and they shall prescribe their own rules of procedure. The civil disaster council shall meet upon call of the chairman, or in his absence from the county, or inability to call such meeting, upon call of the vice chairman. At least two (2) regular meetings shall be held during each calendar year. (Ord. 946, 4-19-1966)

2-3-5: AREA COORDINATOR OF EL DORADO COUNTY CIVIL DISASTER; POWERS AND DUTIES:

There is hereby created the position of El Dorado County area coordinator of civil disaster. The area coordinator shall be selected by the civil disaster council, be confirmed by the board of supervisors, and city councils and shall be responsible to the county board of supervisors for the day to day management of the civil disaster program. The area coordinator is hereby empowered:

(A) To request the board of supervisors, to proclaim the existence, or threatened existence of a disaster and the termination thereof;

(B) With the approval of the civil disaster council to request the governor to proclaim a state of extreme emergency when in the opinion of the council the resources of the area or region are inadequate to cope with the disaster;

(C) To control and direct civil disaster activities and efforts for the accomplishment of the purposes of this chapter;

(D) To direct coordination and cooperation between divisions, services and staff of the civil disaster organization, and to resolve questions of authority and responsibility that may arise between them;

(E) To represent the civil disaster organization in all dealings with public or private agencies pertaining to civil defense and disaster;

(F) To appoint service chiefs subject to the approval of the civil disaster council; provided, however, the service chiefs so appointed shall in so far as possible, be employees who hold regular administrative positions with the county and the cities;

(G) To prescribe in writing the duties of any assistants provided him and the duties of chiefs of services, in conformity with the El Dorado County civil disaster plan. Such duties may be changed from time to time by the area coordinator particularly for the purpose of conforming to recommendations of the director of the California disaster office or the federal office of civil defense;

(H) The area coordinator shall develop a civil disaster plan and program for El Dorado County and shall have such other duties as may be assigned. (Ord. 946, 4-19-1966)

2-3-6: DISASTER AND EMERGENCY POWERS OF THE AREA COORDINATOR:

In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of disaster by the governor or the director of the California disaster office, the area coordinator is hereby empowered:

(A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the civil disaster council.

(B) Subject to the approval of the board of supervisors to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property of the people, and bind the county for the fair value thereof, and if required immediately to commandeer the same for public use.

(C) In the event of disaster to exercise complete emergency authority over the county and city or cities, and to exercise all police power vested in the said political subdivisions by the constitution and general laws in the event that governing bodies thereof delegate such authority or are unable to function. (Ord. 946, 4-19-1966)

2-3-7: CIVIL DISASTER ORGANIZATION:

All officers and employees of the county of El Dorado, the city of Placerville, and city of South Lake Tahoe together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons including persons commandeered under the provisions of section 2-3-6 of this chapter who may by agreement or operation of law be charged with duties incident to the protection of life and property during such disaster, shall accept and discharge such duties and responsibilities in the El Dorado County civil disaster organization as they may be assigned. (Ord. 946, 4-19-1966)

2-3-8: DIVISIONS, SERVICES AND STAFF OF THE EL DORADO COUNTY CIVIL DISASTER ORGANIZATION:

The functions and duties of the El Dorado County civil disaster organization shall be distributed among such divisions, services and special staff as the El Dorado County civil disaster council shall prescribe by resolution subject to the approval of the board of supervisors and the city councils. (Ord. 946, 4-19-1966)

2-3-9: EXPENSES:

The cost of the civil disaster program, not otherwise paid for by federal or state agencies, shall be shared by the county and the cities on a pro rata basis based upon population as determined by the most recent state or federal census or state of California department of finance population figures. (Ord. 946, 4-19-1966)

Chapter 4
REDEVELOPMENT ORGANIZATION

(Rep. by Ord. 1319, 4-26-1983)

Chapter 5
RECREATION AND PARK COMMISSION

(Rep. by Ord. 1521, 4-11-1995)

Chapter 6
RECREATION AND PARKS DEPARTMENT

2-6-1: RECREATION AND PARKS DEPARTMENT ESTABLISHED; FUNCTIONS:

The recreation and parks department is hereby established for the city of Placerville. The functions of the department are to provide opportunities for wholesome, year round public recreation service for each age group and to develop and maintain in an attractive and safe manner, the recreation and park areas and facilities of the city of Placerville, and to ensure that such facilities are suitable for a wide variety of recreation purposes. (Ord. 932, 11-9-1965)

2-6-2: APPOINTMENT OF DIRECTOR:

The city manager shall appoint a director of recreation and parks to administer the recreation and parks program, with appointment to be subject to council approval. (Ord. 939, 11-9-1965; amd. Ord. 1080, 2-10-1976)

2-6-3: DUTIES OF DIRECTOR:

The director of recreation and parks shall: (Ord. 932, 11-9-1965)

(A) Attend meetings of the commission; may serve as secretary to the commission and shall make such reports to the commission or to the city manager as shall be required. (Ord. 932, 11-9-1965; amd. Ord. 1080, 2-10-1976)

(B) Recommend the employment of required personnel, such as assistants, supervisors, leaders and clerical and maintenance employees in accordance with established employment proceedings and supervise them in the performance of their various duties.

(C) Administer, operate and maintain existing recreation and park areas and facilities and plan for the acquisition, development and operation of the proposed facilities in accordance with policies approved by the recreation and park commission and the city council.

(D) Inform the general public of the services and facilities being provided by the recreation and park department.

(E) Solicit suggestions from the general public to improve or increase the effectiveness of the service.

(F) Cooperate with governmental and voluntary organizations and agencies in the furtherance of recreation opportunities.

(G) Prepare manuals, bulletins and reviews on recreation problems.

(H) Provide, upon request, assistance of a technical nature to community agencies and organizations having problems relating to recreation and park areas and facilities and programs.

(I) Counsel with officials of public and private organizations and interested groups concerning community recreation and leisure activities and assist them in the promotion of recreation services.

(J) Conduct studies of local conditions and needs for recreation services and assist with recruitment and training of recreation personnel. (Ord. 932, 11-9-1965)

(K) With advice of the recreation and parks commission, prepare and submit a budget to the city manager for presentation to the city council. (Ord. 932, 11-9-1965; amd. Ord. 1080, 2-10-1976)

Chapter 7
BUILDING BOARD OF APPEALS

2-7-1: ESTABLISHING BOARD:

There is hereby established a building board of appeals consisting of five (5) members and one alternate member who are qualified by experience and training to pass upon matters pertaining to building construction. (Ord. 1642, 6-14-2011)

2-7-2: DUTIES OF THE BOARD:

The duties of the board shall be to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the state codes. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state codes. (Ord. 1642, 6-14-2011)

2-7-3: MEMBERS:

The members of the building board of appeals shall be appointed by the mayor and shall receive the approval of the majority of the city council. The initial terms shall be one member for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years; and thereafter each member shall be appointed for a four (4) year term. The alternate member shall be appointed for a four (4) year term. Vacancies shall be filled for the unexpired term of the member affected. (Ord. 1528, 9-26-1995; amd. Ord. 1642, 6-14-2011)

2-7-4: OFFICERS:

The building board of appeals shall meet in regular sessions and elect from their members a chairman and vice chairman. Their duties shall respectively be such as are usually carried by such officers. Officers shall hold office for one year, or until their successors are elected. The building official and the fire chief shall be ex officio members and the building official shall act as secretary of the board. The board shall adopt rules necessary to the conduct of its affairs and shall keep minutes of its proceedings. The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. (Ord. 1226, 6-10-1980; amd. Ord. 1642, 6-14-2011)

2-7-5: APPEALS TO BOARD:

Appeals shall be filed with the secretary to the board within ten (10) days of the written decision of the building official. A fee to defray the costs incidental to conducting the proceedings of the board shall be collected at the time of filing. Refer to the development service department's master fee schedule. (Ord. 1642, 6-14-2011; amd. Ord. 1654, 6-25-2013)

2-7-6: HEARINGS ON APPEALS:

The board shall have a hearing on any appeal within twenty (20) days from the date the appeal is filed with the secretary of the board. The board shall render its decision and finding in writing to the appellant, building official and fire chief within thirty (30) days from the date the appeal is filed with the secretary. (Ord. 1226, 6-10-1980)

2-7-7: DECISION OF THE BOARD:

The decision of the building board of appeals shall be final. (Ord. 1226, 6-10-1980; amd. Ord. 1642, 6-14-2011)

Title 3
FIRE REGULATIONS

Chapter 1
VOLUNTEER FIRE DEPARTMENT

3-1-1: DEPARTMENT:

The department shall consist of a chief and other officers as the chief and council may deem necessary for the effective operation of the department. (Ord. 963, 2-14-1967)

3-1-2: CHIEF OF FIRE DEPARTMENT:

The city manager shall appoint a fire chief to administer the operation of the fire department of the city of Placerville, the appointment to be subject to council approval. (Ord. 963, 2-14-1967; amd. Ord. 1080, 2-10-1976)

The fire chief of the city, or his or her designee, after first obtaining the training required by Penal Code section 832, may issue citations (notices to appear) for violations of the uniform fire code, as amended, or other provisions of this code relating to fire regulations. (Ord. 1276, 8-11-1981)

3-1-3: REPORTS:

The chief shall be held accountable to the council, through the city manager, and he shall make written and verbal reports as may be required. The other department officers and personnel shall be accountable to the chief only. (Ord. 963, 2-14-1967; amd. Ord. 1080, 2-10-1976)

3-1-4: PERSONNEL:

All personnel of the volunteer fire department shall be appointed after they have taken and passed an examination given by the personnel office of the city of Placerville, and the appointment shall be by the chief, subject to the ratification by the council. (Ord. 963, 2-14-1967)

3-1-5: MEMBERS; COMPENSATION:

The volunteer fire department may consist of forty five (45) members, including the officers thereof, which membership may be increased or decreased in number by a resolution of the council.

Membership in the department shall be voluntary and neither the officers nor the members thereof shall receive compensation for services performed, except as herein provided.

The fire chief and assistant chiefs and captains shall receive such compensation as is prescribed by resolution of the council, and all members of the department who attend and perform services at all fires and fire drills shall be compensated as follows:

(A) The city shall pay to the department each month, for all services performed and fire drills attended during the preceding month by officers and members, the sum of four dollars ($4.00) per man for each hour or fraction thereof required to suppress or control all fires.

(B) Members shall be compensated at the rate of four dollars ($4.00) per hour for each hour for attending practice, drills and school. The council may, at any time by resolution, reduce, increase and discontinue the further payment to the fire department of the amount of payment herein provided. (Ord. 891, 5-16-1963; amd. Ord. 1263, 5-26-1981)

3-1-6: ADOPTION OF BYLAWS:

The fire department shall be governed by bylaws to be adopted by the department and approved by the council, provided that such bylaws shall be consistent with this chapter and all other provisions of this code pertaining thereto. (Ord. 891, 5-16-1963)

3-1-7: (Rep. by Ord. 963, 2-14-1967)

3-1-8: CORPORATION OFFICERS:

The department may elect a president, vice president, secretary and treasurer, and four (4) directors to be known as corporation officers. Such officers may be elected in any manner and for any term the membership may decide upon and their duties shall be to arrange for and manage any and all corporation functions sponsored by the department.

The functions and duties of the corporation officers shall in nowise interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department in the city.

Corporation officers may be any man on the fire department under the rank of second assistant chief. (Ord. 963, 2-14-1967)

3-1-9: SELECTION OF MEMBERS:

Members of the volunteer fire department shall be selected as follows:

(A) Applications for the position of volunteer fireman should be completed on an application form (standard city form) and should be processed by the personnel office.

(B) Applicants shall be screened by a screening committee of the volunteer fire department consisting of the city officers and corporation officers, subject to the approval of the simple majority of general members of the volunteer fire department casting a ballot.

(C) In the event the applicant successfully passes the screening committee of the volunteer fire department, he shall be given an examination by the personnel office of the city.

(D) In the event the applicant passes, the results shall be given to the chief and based upon the application form, the results of the screening committee and the results of the examination and interview of the personnel officer of the city, the candidate will then have his name placed on the eligibility list of the volunteer fire department. Appointments will be made from the list in numerical order.

(E) In the event the applicant is accepted, he is then appointed to a one year probationary period to the volunteer fire department, and during the probationary period he shall be evaluated at least two (2) times by the chief and four (4) members of the volunteer fire department. Said evaluation shall be in the form provided by the personnel officer. The probationary employee shall be shown each evaluation report and shall be asked to sign the report indicating that he has read the report. (Ord. 963, 2-14-1967)

(F) In the event that the applicant satisfactorily passes the probationary period, he shall then become a member of the volunteer fire department; provided that he is voted in by a two-thirds ($^2/_3$) majority of the general members of the volunteer fire department casting a ballot at the regular meeting. The applicant shall not be present at the meeting at which the members vote upon his becoming a member of the volunteer fire department. (Ord. 1015, 11-14-1972)

3-1-10: SUSPENSION OF A MEMBER:

(A) The chief may suspend for cause any member of the volunteer fire department, however, a suspension shall not last longer than three (3) days unless the member is suspended as a result of having been accused of committing a felony, in which event the suspension shall last until there has been a decision rendered by a court of competent jurisdiction as to whether a felony has been committed or there has been a dismissal. (Ord. 963, 2-14-1967)

3-1-11: DISMISSAL OF A MEMBER:

Any member of the volunteer fire department may be dismissed for cause by the chief with the concurrence of the personnel officer of the city, or by a two-thirds ($^2/_3$) vote of the members of the volunteer fire department meeting and voting at a regular meeting. The member of the volunteer fire department against whom the dismissal proceedings are brought shall be given written notice that a dismissal proceeding is to be brought against him and this written notice shall be served upon said member at least seven (7) days prior to the meeting at which the dismissal action is to be conducted. The cause for dismissal shall be in writing and shall be placed in the personnel records of the city, and

a copy shall be given to the member who has been dismissed. Notice of the removal or dismissal of any volunteer fireman shall be given to the council by the city personnel officer. At the time any member has been dismissed from the volunteer fire department, he shall be informed of his right to appeal to the city council pursuant to the terms set forth in the employee's appeal ordinance. (Ord. 963, 2-14-1967)

Chapter 2
FIRE LIMITS

(Rep. by Ord. 1454, 5-9-1989)

Chapter 3
FIRE HAZARDS; INCINERATORS

3-3-1: ELIMINATION OF HAZARDS:

No person shall permit paper, rags, boxes, waste or combustible rubbish or inflammable substances of any character to accumulate in any quantity in any building, yard, street, alley or other place in such a manner or to such an extent as to cause a fire menace, or increase the danger of fire or to endanger life or property. The accumulation of rubbish or any materials is hereby declared to be a nuisance and it shall be the duty of the Fire Chief, a representative from his department, or any police officer, to see that such nuisances are abated immediately after discovery, using summary measures if necessary to effect immediate abatement. If in his judgment the fire menace is not immediate he shall give written notice to the occupant or owner of the premises or building or the person responsible for the condition, to remedy or remove the condition within forty eight (48) hours thereafter, and such order must be complied with. (Ord. 758, 6-6-1953; amd. Ord. 1355, 5-8-1984)

3-3-2: OPEN FIRES:

(A) No person shall ignite, set fire to or burn in the open air in any open, exposed or outdoor fire, any rubbish, paper, shavings, boxes, cardboard, construction lumber, plywood, trimmings, grass, litter or other combustible waste materials or substance, except hazardous vegetation, at any time.

(B) It shall be unlawful for any person to ignite, permit, or maintain an open fire within the City limits of the City of Placerville after the time when burning is declared prohibited by Cal Fire, until the date Cal Fire declares, by proclamation, that the hazardous fire conditions have abated for that year, (usually after rainfall sufficient for thorough wetting of vegetation), or at any other time during any year when unusual fire hazard conditions exist in the City as determined by the Fire Chief. The Fire Chief may issue special permits for burning if, in his opinion, the circumstances warrant.

(C) During the season when residential burning is permitted, after fire conditions have abated for that year, and before open burning is prohibited in the next year, the following regulations shall apply:

1. All open burning within the City of Placerville shall be subject to El Dorado County Air Quality Management District declarations of a "Permissive Burn Day" on any day proposed for open

burning.

2. All open burning within the City of Placerville shall be subject to the burn permit requirements of the El Dorado County Air Quality Management District and the El Dorado County Fire District or Cal Fire.

3. Any open burning shall be at all times under competent and continuous supervision and not within ten feet (10') of any building or structure. All flammable or combustible materials shall be cleaned away from any hedge, ornamental shrub or tree for such distance as may be necessary to safeguard the same from scorching, or igniting or burning, but in no case less than ten feet (10') therefrom.

4. It shall be unlawful for any person to ignite, permit or maintain an open fire within the City of Placerville at any time, without the prior, written consent of the landowner or their agent.

5. Any violation of this section shall be deemed to be a misdemeanor. (Ord. 1700, 8-13-2019)

3-3-3: FIRES IN OUTSIDE PITS OR GRILLS:

(A) The prohibition in section 3-3-2 of this chapter is not intended to prohibit outdoor fires within habited premises, developed recreational areas or City parks where the following conditions are met:

1. Fire is built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill located on property that the individual using such device has the legal authority to occupy; and

2. Fire is a minimum of fifteen feet (15') from any grass, grain, brush or forest covered area; and

3. Competent and continuous supervision is present at all times capable of tending such fire.

4. All fires and coals in fireplaces, pits or grills shall be thoroughly extinguished after the use thereof has been completed.

5. No person shall use any permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

(B) Any violation of this section shall be deemed to be a misdemeanor. (Ord. 1700, 8-13-2019)

3-3-4: FIRE CAUSING OFFENSIVE ODORS:

No person shall at any time or place within the City, set fire to, ignite or burn garbage, hair, rags, animal waste matter, or other materials likely to create offensive odors or excessive smoke. (Ord. 758, 6-6-1953)

3-3-5: APPROVED INCINERATORS:

(Rep. by Ord. 1454, 5-9-1989)

3-3-6: INCINERATORS; HOURS FOR BURNING:

No person shall cause or permit any fire in any incinerator to burn, smolder or smoke between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) P.M. of any day. (Ord. 1318, 4-26-1983)

3-3-7: CHIEF MAY REFUSE BURNING PERMIT:

The Fire Chief shall have the right to refuse to issue a fire permit, or allow the burning of any combustible material in any case where, in his opinion, such burning would be dangerous or unsafe. (Ord. 758, 6-6-1953)

3-3-8: STREET FIRES:

It shall be unlawful for any person except an officer or employee of the City within the line of his duty, to set fire to, ignite or burn any combustible material or substance upon any street, alley, sidewalk, park, parkway or public property within the City. (Ord. 758, 6-6-1953)

3-3-9: PERMITS AND NOTICES:

(A) The Fire Chief, or any officer or member of the Fire Department designated by the Chief, is hereby authorized and empowered to issue any written permit required by this chapter.

(B) Any order or notice required to be given by the provisions of this chapter shall be in writing, and signed by the Fire Chief or other authorized officer or member thereof. Such order or notice shall be personally served upon the owner, or occupant in possession of the property or premises affected thereby. In the event that neither the owner, occupant or person in charge of the premises can be located thereon, then the order or notice shall be sent by registered mail directed to the owner or tenant or reputed owner or tenant of the property, at his last known Post Office address. (Ord. 1175, 11-14-1978)

3-3-10: FIRE SERVICE FEES:

Fire service fees may be charged to any person, firm, corporation or business that through negligence, violation of the law or as the result of carelessness is responsible for the cause of any Fire Department to respond to the scene of an incident. The fee shall not exceed the actual cost of suppressing the fire and/or responding to the scene of the incident. (Ord. 1454, 5-9-1989)

Chapter 4
PUBLIC BUILDINGS; THEATERS

(Rep. by Ord. 1263, 5-26-1981)

Chapter 5
PUBLIC GARAGES

(Rep. by Ord. 1263, 5-26-1981)

Chapter 6
FIREWORKS

3-6-1: FIREWORKS PROHIBITED:

The sale or discharge of firecrackers, salutes and other explosive articles of similar nature within the city is hereby prohibited and it shall be unlawful for any person to sell, offer for sale or discharge any firecrackers, sparklers, roman candles and other explosive articles of similar nature within the city. Exception: The provisions of this section shall not apply to any person engaged in the preparation for or performance of a public fireworks display authorized by written order of the city council in advance, in full compliance with the conditions or restrictions contained in such order. (Ord. 1642, 6-14-2011)

3-6-2: BLASTING WITH EXPLOSIVES; PERMIT:

It shall be unlawful for any person to do any blasting within the city limits or to set off, fire, discharge, or explode any dynamite, powder, nitroglycerin, or any other explosive, or explosive substance or combustible device or material, without first obtaining written permission therefor from the fire chief, and then only under such terms and conditions which will preclude the possibility of injury to persons or property because of the blasting or the use of explosives or combustible devices or materials; provided further, that such blasting or use of explosives or combustible materials or devices may be done or carried on only under the terms of the permit and under the terms of this chapter, and under the written permission of the fire chief. All blasting and use of explosives shall be conducted or carried on by the use of a screen, blanket, or other device which shall successfully hold all debris and waste material as near the ground as possible and shall prevent the waste material and debris from being forced, propelled, or shot into the air, and it shall be unlawful for any person to do any blasting or to use any explosive or explosive material or device whether under written permission of the fire chief or otherwise, without the use of a blanket, screen, or covering. The fire chief will give adequate notice to the police chief of the issuance of all blasting permits.

The fire chief is hereby given power to regulate the use of explosives within the city and is given the power to limit or regulate the size of charges or shots in all cases of blasting for construction work, or otherwise, and it shall be the duty of the fire chief whenever application is made to him for permission to use an explosive or to do blasting within the city, to investigate the place where the work is proposed to be carried on, and to impose such terms or conditions upon the use of all explosives or combustible materials or substances and all dynamite or powder which will preclude the possibility of injury to persons or property because of the use; and it shall be the duty of the fire chief when written permission for the use is given, to state the terms and conditions under which the permission is given. Each permit shall require that the permittee notify emergency dispatch (by telephoning 911) within one hour prior to conducting any blasting operation of the time and place of such blasting. (Ord. 1454, 5-9-1989)

Chapter 7
FLAMMABLE LIQUIDS

3-7-1: FLAMMABLE AND COMBUSTIBLE LIQUIDS:

The scope of this chapter shall be the same as in article 79 of the fire code, except as provided in the following:

No person shall possess, keep or store, or permit the possession, keeping or storing, aboveground, within the city limits, class I liquids in containers in excess of five (5) gallons except class I liquids contained in fuel tank or tanks of a motor vehicle, construction equipment, aircraft, motor boat or mobile power or heating plant.

This section shall not apply to aboveground storage of class I liquids at wholesale distributing depots now in existence within the city limits which are being operated and maintained in accordance with the fire code. (Ord. 1263, 5-26-1981)

Chapter 8
LIQUEFIED PETROLEUM GAS

(Rep. by Ord. 1454, 5-9-1989)

Chapter 9
COMBUSTION DETECTORS

(Rep. by Ord. 1642, 6-14-2011)

Chapter 10
FIRE HYDRANTS

3-10-1: REQUIREMENTS:

Fire hydrants shall be required on all public water pipelines of six inch (6") diameter or larger constructed by or for property owners within the city. (Ord. 1216, 12-11-1979)

3-10-2: LOCATION:

The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. Maximum distance between hydrants and structures shall be as follows:

Single-family residential parcels larger than 2 acres	1,000 feet
Single-family residential parcels 2 acres and smaller	500 feet
Multi-family residential - maximum 4 units	500 feet
Commercial and industrial and multi-family residential - 5 or more units	250 feet

(Ord. 1323, 5-10-1983)

3-10-3: SPECIFICATIONS:

The fire flow, duration, and residual pressure shall be as specified by the fire chief. The minimum requirements shall be:

Flow	500 gallons per minute
Duration	2 hours
Residual pressure	20 pounds per square inch

(Ord. 1216, 12-11-1979)

3-10-4: CONFORMITY OF FIRE HYDRANTS:

Fire hydrants shall conform to the latest revision of AWWA C 502, AWWA standard for dry barrel fire hydrants, and shall have the following characteristics:

(A) Fire hydrants shall be of the traffic type with a break off safety flange.

(B) Each hydrant shall have one $4^1/_2$-inch and two (2) $2^1/_2$-inch hose connections with national standard hose threads.

(C) The operating nut and nozzle cap nuts shall be one and one-half inch ($1^1/_2$") pentagon. Fire hydrants shall open to the left.

Fire hydrants shall be installed in accordance with the manufacturer's recommendations. (Ord. 1216, 12-11-1979)

3-10-5: VARIANCE:

When it is in the public interest, the fire chief, or his duly appointed representative, may grant a variance from the strict requirements of this chapter relating to the following:

(A) Location of fire hydrants.

(B) Fire hydrant type and specifications for fire hydrants.

(C) Manner of installation of fire hydrants. (Ord. 1216, 12-11-1979)

Chapter 11
DEVELOPMENT FEES FOR FIRE PROTECTION SERVICES

3-11-1: FINDINGS:

The city council of the city hereby finds and determines that new development in the city imposes additional service requirements upon the fire department of the city and impairs the ability of the fire department to provide proper and adequate fire protection to the existing residents of the city. The city council further finds that it is essential to the proper and orderly development of the city that new development be allowed to proceed only if adequate provision is made to provide proper fire protection services for such new development. (Ord. 1430, 1-26-1988)

3-11-2: APPLICABILITY:

As a condition to any permit for the development of any residential, commercial, institutional, or industrial use in the city, the developer shall be required to pay a fee, as defined herein, to the city. (Ord. 1430, 1-26-1988)

3-11-3: DEFINITIONS:

COMMERCIAL USE: Any use for commercial purposes, as defined in title 10 of this code.

DEVELOPER: Any person, firm, or corporation requesting a building permit for the construction of any residential, commercial, institutional, or industrial building or unit.

FEE OR FEE STRUCTURE: A fee as established by the city. The fee approved by the city council shall be reasonably related to, and shall not exceed, the cost of providing fire protection services to the development, and shall be determined to otherwise comply with existing law.

The fee may include uniform schedules and rates based upon the type of use of the property and the risk classification of the proposed structures on the property. The risk classification may include, but

need not be limited to, the amount of water required for fire suppression on the property, the proposed structural use, and other factors relating to potential fire and panic hazards and the cost of providing the fire suppression by the city to the property. The fee may also be based upon the developer's pro rata contribution to an established capital facilities outlay program established by the city. The capital facilities outlay program shall be based upon reasonable estimates of the anticipated growth and development within the city during the term of the capital facilities outlay program and the facilities necessary to provide adequate and proper fire protection services to the development. Nothing herein shall be construed as prohibiting the city from establishing a different fee schedule, so long as the fee is reasonably related to the cost of providing service to the proposed development, or is otherwise allowed under existing law. All fees shall consider the extent to which sprinkler systems in the proposed development will reduce the service requirement of the fire department to the proposed development. All fees shall also consider the extent to which credit should be allowed the developer for fire protection fees previously paid by the developer or his predecessor on the property.

INDUSTRIAL USE: Any use for industrial purposes, as defined in title 10 of this code.

INSTITUTIONAL USE: Any use for the charitable, educational, hospital, church purposes to the extent such use is not also considered as commercial, residential or industrial under title 10 of this code.

PERMIT: Means, but not by way of limitation, the approval of any parcel map, tentative map for minor or major subdivisions, the approval of any variance, use permit, rezoning, design review, or the issuance of a building permit, unless the applicant can demonstrate exclusion under Government Code section 65961.

RESIDENTIAL USE: Any use for residential purposes, as defined in title 10 of this code. (Ord. 1430, 1-26-1988)

3-11-4: ADOPTION OF FEE AND PAYMENT:

The fee described herein shall be payable prior to the issuance of a building permit for any property subject to the provisions herein. The fee shall only be required for property within the city provided the city council has reviewed and adopted a fee structure as provided herein. The fee shall not be required unless it has been adopted by the city council not less than fifteen (15) days prior to the filing and acceptance of an application for a building permit. The hearings by the city council shall be noticed pursuant to Government Code section 65090 and section 54992. The fee shall be paid directly to the city, whereupon developer shall provide city with a "receipt of payment" from the city at the time the developer requests a building permit. (Ord. 1430, 1-26-1988)

3-11-5: DEVELOPMENT EXPENDITURE LIMITATIONS:

The fees collected herein by the city shall be kept in a separate fund and used solely to offset impacts to the city created by new development for fire protection services. (Ord. 1430, 1-26-1988)

Title 4
CONSTRUCTION REGULATIONS

Chapter 1
GENERAL REGULATIONS

4-1-1: NAME:

These regulations shall be known as and may be cited as the *PLACERVILLE CONSTRUCTION REGULATIONS*. It shall be referred to hereinafter as "this title", and the term shall include any subsequent amendment thereof. (Ord. 1491, 5-26-1992)

4-1-2: PURPOSE:

The purpose of this title is to provide minimum standards to safeguard life or limb, health, property and public welfare by the enforcement of the California building standards code (California Code Of Regulations, title 24, parts 1 through 12), and city ordinances which are included in this title. (Ord. 1642, 6-14-2011)

4-1-3: SCOPE:

(Rep. by Ord. 1623, 2-12-2008)

4-1-4: ADOPTION OF STATE CODES:

The following parts of the California Code Of Regulations, title 24, are hereby adopted by reference:

Part 1, known as the California building standards administrative code;

Part 2, volume 1 and 2, known as the California building code, which is based on the international building code;

Part 2.5, known as the California residential code, which is based on the international residential code;

Part 3, known as the California electrical code, which is based on the national electrical code;

Part 4, known as the California mechanical code, which is based on the uniform mechanical code;

Part 5, known as the California plumbing code, which is based on the uniform plumbing code;

Part 6, known as the California energy code;

Part 7, currently vacant;

Part 8, known as the state historical building code;

Part 9, known as the California fire code, which is based on the international fire code;

Part 10, known as the California existing building code, which is based on the international existing

building code;

Part 11, known as the California green building standards code, which is also called the CALGreen code; and

Part 12, known as the California referenced standards code. (Ord. 1642, 6-14-2011)

4-1-5: AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC); CALIFORNIA RESIDENTIAL CODE (CRC):

CBC section 1505.1.1 and CRC R902, Roof Coverings Within Very High Fire Hazard Severity Zones, shall be amended to read as follows: "The entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire retardant roof covering that is at least class A."

CBC section 1607A.11.2, Reduction In Roof Live Loads, shall be amended to read as follows: "No reduction in roof live loads shall be allowed."

CBC section 1608A.2, Determination Of Snow Loads, shall be amended to read as follows: "The roof live load for snow shall be (20) twenty pounds per square foot for all areas of the city of Placerville." (Ord. 1642, 6-14-2011)

4-1-6: FINDINGS:

The city council of the city of Placerville finds and declares that the additions, modifications and changes made to these codes are necessary for the protection of the public health, safety and welfare due to climatic, geological or topographical conditions. These amendments are authorized under Health And Safety Code sections 18941.5 and 17958 and are identified as follows:

(A) Express finding number 1; climatic: The city of Placerville is located approximately forty five (45) miles east of Sacramento and seventy (70) miles west of Lake Tahoe at an average elevation of one thousand eight hundred seventy feet (1,870') above sea level. It is the transition area between the California central valley and the Sierra Nevada Mountains. It experiences a change in precipitation and snowfall from the arid central valley to the deep snow of the mountains. The average annual rainfall is thirty six inches (36"). This rainfall normally occurs from October to April. Hourly rainfall for design purposes is three inches (3") per hour or 0.031 gpm per square foot as established from data in the "El Dorado County Drainage Manual" and nearby jurisdictions. Snow can be expected each winter but usually does not accumulate for an appreciable amount of time. Historically for at least twenty (20) years, the design roof snow load has been twenty (20) pounds per square foot with no reduction allowed.

Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The drying out of wood building components and wildland fuels in the summer months allows for easy ignition and propagation of fire. Steep, narrow, often congested streets can lead to longer response times for firefighters. Therefore, the fire classification of roof assemblies and roof coverings should be the most restrictive.

Amendments related to climate: CBC section 1505.1.1, 1607A.11.2, 1608A.2.

(B) Express finding number 2; geological: The city of Placerville has three (3) dominant east/west ridgelines, which in turn define the principal watersheds, with a series of subwatersheds branching off each major watershed divide. These subridgelines are generally oriented in a north/south direction perpendicular to the primary ridgelines. The secondary ridgelines are located at "regular" intervals approximately one-fourth ($^1/_4$) of a mile apart. The moderate to steep slopes, which are characteristic of this topography, have a profound influence on the location of roads and hence the development pattern. There are no identified active earthquake faults in Placerville; however, the inactive Melones Fault does pass through the eastern part of the city, trending in a north/south direction. The city of Placerville is subject to ground tremors from seismic events as the city is located in site class C. Some portions of the city have poor soil conditions that are often expansive in nature. Due to the potential for seismic activity, a need exists for more restrictive design criteria.

Amendments related to geological conditions: CBC section 1607A.11.2, 1608A.2.

(C) Express finding number 3; topographical: The city of Placerville is located in the transition between the California central valley and the Sierra Nevada Mountains. Three (3) biophysical gradients are apparent: a transition from central valley grassland vegetation, to mixed needleleaf and broadleaf forests, to Sierra evergreen forests. The threat to Placerville from wildland fires is relatively high due to the dense vegetative cover and steeply sloping lands. Therefore, a need exists for additional fire protection measures.

Amendments relating to topographical conditions: CBC section 1505.1.1.
(Ord. 1623, 2-12-2008)

4-1-7: FILING OF FINDINGS:

The city clerk is hereby directed to file a copy of the ordinance codified herein with the California building standards commission of the state of California. (Ord. 1623, 2-12-2008)

4-1-8: INTERPRETATION:

(Rep. by Ord. 1642, 6-14-2011)

4-1-9: LIABILITY:

The provisions of this code shall not be construed as imposing upon the city of Placerville any liability or responsibility for damage to persons or property resulting from defective work, nor shall the city of Placerville, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this code of any permits or certificates issued under this code. (Ord. 1623, 2-12-2008)

Chapter 2
ORGANIZATION AND ENFORCEMENT

4-2-1: CREATION OF ENFORCEMENT AGENCY:

(Rep. by Ord. 1623, 2-12-2008)

4-2-2: POWERS AND DUTIES OF BUILDING OFFICIAL:

The building official may request and shall receive, so far as is required in the discharge of his or her duties, the assistance and cooperation of other officials of this jurisdiction. (Ord. 1623, 2-12-2008)

4-2-3: UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT:

(Rep. by Ord. 1623, 2-12-2008)

4-2-4: BUILDING BOARD OF APPEALS:

See title 2, chapter 7 of this code. (Ord. 1642, 6-14-2011)

4-2-5: VIOLATIONS:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, or to excavate or grade or permit the same to be done in violation of this title and the technical codes. See section 1-4-5 of this code for penalties. (Ord. 1491, 5-26-1992)

Chapter 3
PERMITS AND INSPECTIONS

4-3-1: PERMITS:

(Rep. by Ord. 1623, 2-12-2008)

4-3-2: APPLICATION FOR PERMIT:

(Rep. by Ord. 1623, 2-12-2008)

4-3-3: PERMITS ISSUANCE:

(Rep. by Ord. 1623, 2-12-2008)

4-3-4: FEES:

The fee for each permit, plan review and investigation shall be those established and adopted by the city council from time to time by resolution.

(A) Determination Of Value: The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (Ord. 1491, 5-26-1992)

(B) Plan Review Fees: A plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee for buildings or structures shall be as adopted by resolution and determined by the building official based on building valuation data from the "Building Safety Journal" published by the International Code Council (ICC).

The plan review fee for grading work shall be as adopted by resolution.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be paid at the rate adopted by resolution. (Ord. 1642, 6-14-2011)

(C) Expiration Of Plan Review: Application for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.

1. Exception; Residential Plan Review: An applicant may renew a plan review by paying a renewal fee within thirty (30) days after the plan review expiration. The fee for each permit shall be those established and adopted by the city council at the time of plan review. The applicant shall resubmit plans and pay a new plan review fee no later than thirty (30) days after the expiration of the plan review. (Ord. 1491, 5-26-1992)

(D) Investigation Fees; Work Without A Permit: (Rep. by Ord. 1642, 6-14-2011)

(E) Fee Refunds:

1. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The building official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. The building official may authorize the refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize the refunding of any fee paid except upon written

application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment. (Ord. 1491, 5-26-1992)

Chapter 4
RELOCATION OF BUILDINGS AND STRUCTURES

4-4-1: PURPOSE:

The purpose of this chapter is to provide minimum standards to safeguard public health, safety and public welfare by regulating and controlling the relocation of buildings and structures. (Ord. 1164, 8-8-1978)

4-4-2: PERMITS:

(A) Permits Required: No person, firm or corporation shall relocate any building or structure into or within the city without first obtaining a separate relocation permit for each such building or structure from the building official. (Ord. 1164, 8-8-1978)

(B) Application: To obtain a relocation permit the applicant shall file in writing an application for a site plan review as required by section 10-4-9 of this code and for the relocation permit. The applicant will pay the fees prescribed for the site plan review and a prerelocation inspection of the building or structure to be relocated. The relocation application shall: (Ord. 1642, 6-14-2011)

1. Identify and describe the work to be covered by the permit for which the application is made.

2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed work.

3. Indicate the use or occupancy for the proposed building or structure.

4. Be accompanied by four (4) photographs showing each elevation of the building or structure to be relocated.

5. Be accompanied by plans and specifications drawn to scale showing plot or site, foundation, floor plan(s), and complete details for any changes proposed for the existing building or structure. The building official may require such plans and specifications to be prepared and designed by an architect or engineer licensed by this state.

   Computations, stress diagrams and other data sufficient to show the corrections of the plans shall be submitted when required by the building official.

6. Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority.

7. Give such other information as reasonably may be required by the building official. (Ord. 1164, 8-8-1978)

(C) Relocation Permits: The application, plans and specifications filed by the applicant shall be reviewed by the building official. Such plans may be reviewed by other departments of the city to check compliance with ordinances and laws under their jurisdiction. When the site plan has been approved, as required in section 10-4-9 of this code, the work described in the relocation application for the permit and the plans conform to the requirements of this chapter, other pertinent ordinances and laws, and the fees have been paid and the insurance and bonds deposited as specified below, a permit may be issued.

1. A relocation permit fee as determined by the building official. (Ord. 1642, 6-14-2011)

2. A cash bond, assigned deposit or performance bond of two thousand five hundred dollars ($2,500.00) to provide for any damage to city property or utilities.

3. A liability and property damage insurance policy of five hundred thousand dollars ($500,000.00).

4. A cash bond, assignment deposit or performance bond based on the estimated cost of the work to complete the building relocation plus ten percent (10%). This performance bond and insurance policy must be approved by the city attorney as to form and legal requirements. (Ord. 1164, 8-8-1978)

4-4-3: SAFETY REQUIREMENTS:

(A) Traffic Hazard: The relocation of buildings or structures shall be performed in such a manner so as not to create a hazard to pedestrian or vehicular traffic or to unreasonably impede such traffic. Forty eight (48) hours prior to the proposed relocation the permittee shall submit to the building official the proposed route for the move. The building official will obtain the approval of the city engineer, fire, police and public works departments. The relocation shall not be started until approval has been obtained from the building official as to time and route.

(B) Danger To Persons Or Property: The relocation of buildings or structures shall be performed in such a manner as to not create a hazard to the health and safety of any person or property.

(C) Notice To Cease: If, in the opinion of the building official exercising reasonable judgment based upon a personal inspection at the location, it is determined that the relocation is being performed in a manner as to create a hazard or danger, the building official shall issue a written stop work notice to persons relocating the building or structure to cease such hazardous or dangerous activity immediately. Upon the receipt of such notice all persons engaged in the relocation shall cease such activity immediately and take such corrective action as may be required by the building official so to eliminate such hazard or danger. (Ord. 1164, 8-8-1978)

4-4-4: BONDS REQUIRED:

The bonds and insurance referred to in section 4-4-2 of this chapter shall guarantee the performance by the person(s) relocating the building or structure to:

(A) Keep all streets and sidewalks clear and free of all debris during and after the relocation.

(B) Provide for and erect barricades or overhead protection to prevent damage to publicly owned improvements.

(C) Leave the site from which the building or structure is relocated in a clean and level condition, removing from the site all foundations and debris, to fill to grade all holes, depressions or trenches resulting from the relocation, and to cap the sewer in an approved manner.

(D) Repair all damage done to public or private property in the relocation of a building or structures.

(E) Assure the completion of all work required by the relocation permit within the time designated. (Ord. 1164, 8-8-1978)

4-4-5: FORFEITURE OF BONDS:

The failure of the permittee to comply with any of the provisions of this chapter, or the permit, the city shall initiate the forfeiture of the bond(s) to complete the work in accordance with the permit requirements. (Ord. 1164, 8-8-1978)

4-4-6: COMPLETION:

Upon the completion of the relocation of buildings and structures under the provisions of this chapter and the permit, the building official shall return the cash bond to the permittee and/or release the performance bonds. (Ord. 1164, 8-8-1978)

Chapter 5
SIGN REGULATIONS[1]

(Rep. by Ord. 1585, 5-14-2002)

Chapter 6
MOVING BUILDINGS

(Rep. by Ord. 1164, 8-8-1978)

Chapter 7
RESIDENTIAL DEVELOPMENT FEE

(Rep. by Ord. 1642, 6-14-2011)

Chapter 8
DEVELOPMENT FEES

4-8-1: DEVELOPMENT FEES:

The city of Placerville shall require the payment of fees to defray the costs incidental to the processing of plans, specifications and inspection of such work. The fees shall be in the amount hereinafter set forth by resolution of the city council for the following:

(A) Improvements such as sewer, water, drainage, streets, curbs, gutter and sidewalks.

(B) Parcel maps.

(C) Subdivisions. (Ord. 1263, 5-26-1981)

Chapter 9
FLOOD DAMAGE PROTECTION

4-9-1: PURPOSE:

(A) Statutory Authorization: The legislature of the state of California has in Government Code sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Placerville does ordain as follows:

(B) Findings Of Fact:

1. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(C) Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas

by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(D) Methods Of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1621, 1-22-2008)

4-9-2: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A ZONE: See definition of Special Flood Hazard Area (SFHA).

ACCESSORY STRUCTURE: A structure that is either:

(A) Solely for the parking of no more than two (2) cars; or

(B) A small, low cost shed or limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars ($1,500.00) in value.

ACCESSORY USE: A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN: A geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL: A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: See definition of Special Flood Hazard Area (SFHA).

BASE FLOOD: A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the 100-year flood). Base flood is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE): The elevation shown on the flood insurance rate map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade, i.e., below ground level, on all sides.

BUILDING: See definition of Structure.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before effective date of the initial FIRM or after August 9, 1988.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): The official map on which the federal

emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the floodway.

FLOOD, FLOODING, OR FLOODWATER: (A) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(B) The condition resulting from flood related erosion.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

FLOODPLAIN ADMINISTRATOR: The community official designated by this chapter to administer and enforce the floodplain management regulations.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS: This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood prone areas. This term describes federal, state, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source. See definition of Flood, Flooding, Or Floodwater.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA technical bulletins TB 1-93, TB 3-93, and TB 7-93.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). Also referred to as regulatory floodway.

FLOODWAY FRINGE: The area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

FRAUD AND VICTIMIZATION: As related to section 4-9-6 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Placerville will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, which future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, and does not include long term storage or related manufacturing facilities.

GOVERNING BODY: The local governing unit, i.e., county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP: As related to section 4-9-6 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city of Placerville requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;

(B) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement (see definition of Basement).

(A) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

1. The flood openings standard in subsection 4-9-5(A)3 of this chapter;

2. The anchoring standards in subsection 4-9-5(A) of this chapter;

3. The construction materials and methods standards in subsection 4-9-5(A)2 of this chapter; and

4. The standards for utilities in subsection 4-9-5(C) of this chapter.

(B) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see definition of Basement). This prohibition includes below grade garages and storage areas.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

MARKET VALUE: As defined in the city of Placerville substantial damage/improvement procedures.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, North American vertical datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For floodplain management purposes, means structures for which the "start of construction" commenced on or after August 9, 1988, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the initial FIRM or after August 9, 1988.

OBSTRUCTION: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

100-YEAR FLOOD OR ONE HUNDRED YEAR FLOOD: See definition of Base Flood.

PROGRAM DEFICIENCY: A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

PUBLIC SAFETY AND NUISANCE: As related to section 4-9-6 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE: A vehicle which is:

(A) Built on a single chassis;

(B) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(C) Designed to be self-propelled or permanently towable by a light duty truck; and

(D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

REMEDY A VIOLATION: To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA (SFHA): An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, or AH.

START OF CONSTRUCTION: Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building that is principally aboveground; that includes a gas or liquid storage tank or a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement

official and which are the minimum necessary to assure safe living conditions; or

(B) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE: A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION: The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929, North American vertical datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE: A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 1621, 1-22-2008)

4-9-3: GENERAL PROVISIONS:

(A) Lands To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(B) Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal emergency management agency or the federal insurance administration in a scientific and engineering report entitled "Flood Insurance Study (FIS)" dated March 30, 1983, flood insurance rate maps (FIRMs) dated September 30, 1983, and flood boundary and floodway maps (FBFMs) dated September 30, 1983, and all subsequent amendments and/or revisions is hereby adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at city hall, 3101 Center Street, Placerville, CA 95667. This flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator.

(C) Compliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council of the city from taking such lawful action as is necessary to prevent or remedy any violation.

(D) Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(E) Interpretation: In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(F) Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the federal insurance administration, or the state of California for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(G) Severability: This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1621, 1-22-2008)

4-9-4: ADMINISTRATION:

(A) Designation Of The Floodplain Administrator: The development services director is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions. (Ord. 1621, 1-22-2008; amd. Ord. 1654, 6-25-2013)

(B) Duties And Responsibilities Of The Floodplain Administrator: The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

1. Permit Review: Review all development permits to determine:

(a) Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

(b) All other required state and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot (1') at any point;

(e) All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revisions (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

2. Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with subsection 4-9-3(B) of this chapter, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer section 4-9-5 of this chapter. Any such information shall be submitted to the city council for adoption.

3. Changes In Watercourses: Whenever a watercourse is to be altered or relocated:

   (a) Notify adjacent communities and the California department of water resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency;

   (b) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

4. Changes In Base Flood Elevation: Base flood elevation changes due to physical alterations:

   (a) Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

   (b) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

   Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

5. Changes In Corporate Boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

6. Documents For Public Inspection: Obtain and maintain for public inspection and make available as needed:

   (a) The certification required in subsections 4-9-5(A)3(a) and 4-9-5(E) of this chapter (floor elevations);

   (b) The certification required in subsection 4-9-5(A)3(b) of this chapter;

   (c) The certification required in subsection 4-9-5(A)3(c) of this chapter;

   (d) The certified elevation required in subsection 4-9-5(D)2 of this chapter (subdivision standards);

   (e) The certification required in subsection 4-9-5(F)1 of this chapter (floodway encroachments).

7. Interpretations: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4-9-6 of this chapter.

8. Remedy Violations: Take action to remedy violations of this chapter as specified in subsection 4-9-3(C) of this chapter.

(C) Development Permit: A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in subsection 4-9-3(B) of this chapter. Application for a development permit shall be made on forms furnished by the city of Placerville. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:

(a) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage or materials and equipment and their location;

(b) Proposed locations of water supply, sanitary sewer, and other utilities;

(c) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

(d) Location of the regulatory floodway when applicable;

(e) Base flood elevation information as specified in section 4-9-3 of this chapter;

(f) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

(g) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as detailed in FEMA technical bulletin TB 3-93.

2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in section 4-9-5 of this chapter.

3. For a crawl space foundation, location and total net area of foundation openings as detailed in FEMA technical bulletins 1-93 and 7-93.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5. All appropriate certifications listed in subsection (B)6 of this section. (Ord. 1621, 1-22-2008)

4-9-5: PROVISIONS FOR FLOOD HAZARD REDUCTION:

(A) Standards Of Construction: In all areas of special flood hazards, the following standards are required:

1. Anchoring:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes shall meet the anchoring standards of subsection (E) of this section.

2. Construction Materials And Methods:

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation And Floodproofing:

(a) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (A)3(b) of this section. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

(b) Nonresidential construction shall either be elevated in conformance with subsection (A)3(a) of this section or together with attendant utility and sanitary facilities:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection be satisfied. Such certifications shall be provided to the floodplain administrator.

(c) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) Either a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured homes shall also meet the standards in subsection (E) of this section.

(B) Garages And Low Cost Accessory Structures:

1. Attached Garages:

(a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. Areas of the garage below the BFE must be constructed with flood resistant materials.

(b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA technical bulletin TB-6.

2. Detached Garages And Accessory Structures:

(a) "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low cost sheds), as defined in section 4-9-2 of this chapter may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

(1) Use of the accessory structure must be limited to parking or limited storage;

(2) The portions of the accessory structure located below the BFE must be built using flood resistant materials;

(3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

(5) The accessory structure must comply with floodplain encroachment provisions in subsection (F) of this section; and

(6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (A)3 of this section.

(b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section.

(C) Standards For Utilities:

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Standards For Subdivisions And Other Proposed Development:

1. All preliminary subdivision and other development proposals shall identify the flood hazard area and the elevation of the base flood.

2. If the site is filled above the base flood elevation, the following as built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:

(a) Lowest floor elevation.

(b) Pad elevation.

(c) Lowest adjacent grade.

3. All subdivision and other development proposals shall be consistent with the need to minimize flood damage.

4. All subdivision and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions and other development shall provide adequate drainage to reduce exposure to flood hazards.

(E) Standards For Manufactured Homes: All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and

2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

(F) Floodways: Located within areas of special flood hazard established in subsection 4-9-3(B) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection (F)1 of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section. (Ord. 1621, 1-22-2008)

4-9-6: VARIANCE PROCEDURE:

(A) Nature Of Variances: The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Placerville to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly

granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B) Appeal Board:

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

3. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

   (a) The danger that materials may be swept onto other lands to the injury of others;

   (b) The danger of life and property due to flooding or erosion damage;

   (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   (d) The importance of the services provided by the proposed facility to the community;

   (e) The necessity to the facility of a waterfront location, where applicable;

   (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

   (g) The compatibility of the proposed use with existing and anticipated development;

   (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   (i) The safety of access to the property in time of flood for ordinary and emergency vehicles;

   (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

   (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($^1/_2$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (B)3(a) through (B)3(k) of this section have been fully considered. As the lot size increases beyond one-half ($^1/_2$) acre, the technical justification required for issuing the variance increases.

5. Upon consideration of the factors of subsection (B)3 of this section and the purposes of this chapter, the city council of the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(C) Conditions For Variances:

1. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in section 4-9-2 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.

4. Variances shall only be issued upon:

   (a) A showing of good and sufficient cause;

   (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

   (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (C)1 through (C)4 of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety and does not create a public nuisance.

6. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

   (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

   (b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the El Dorado County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

7. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the federal emergency management agency. (Ord. 1621, 1-22-2008)

Chapter 10
REIMBURSEMENT FOR CONSTRUCTION OF DRAINAGE FACILITIES

4-10-1: REIMBURSEMENT FOR CONSTRUCTION OF DRAINAGE FACILITIES:

(A) Persons other than the city may from time to time desire to have the drainage facilities of the city extended for the purpose of making drainage facilities available to properties lying beyond existing drainage facilities. The person desiring to extend the drainage facilities must make application with the city engineer requesting that the drainage facilities be extended and must file with the city engineer plans and specifications setting forth the manner in which the drainage facilities are to be extended. The drainage facilities may be extended by the applicant in the event that the city engineer approves the application, together with the plans and specifications.

(B) In the event the city engineer determines that properties other than the property being developed by the person constructing the drainage facilities benefits from the construction, the city may enter into an appropriate reimbursement agreement with the person constructing the drainage facilities. Said agreement shall provide that the city shall, but without liability therefor, endeavor to collect by way of building permit or other charge associated with new construction on undeveloped property and reimburse to such initial developer so much of the construction costs of said drainage facilities as may be practicably collected from the property owners on the basis of the extent to which said drainage facilities shall benefit their respective properties.

(C) Each reimbursement agreement with the developer shall be authorized by the council in the same manner as other contracts. Such reimbursement agreement and the rights therein granted shall be assignable by the person constructing such drainage facilities in the first instance.

(D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement, and the city shall thereafter retain any fees charged for use of the system.

(E) The area to be benefited shall be determined by the city engineer, and a map designating the area to be benefited shall be attached to all reimbursement contracts.

(F) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the city engineer, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the city engineer shall be final and conclusive.

(G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans and inspection of such work.

(H) The developer or applicant shall pay all of the initial costs of constructing the drainage facilities as set forth pursuant to this section. The parties within the area that will benefit from the addition to the drainage facilities shall pay their proportionate share of the cost at such time as a building permit is taken out, time to be determined by the city engineer. (Ord. 1463, 11-28-1989)

Chapter 11
DEMOLITION OF BUILDINGS AND STRUCTURES

4-11-1: PURPOSE:

The purpose of this chapter is to provide minimum standards to safeguard public health, safety and public welfare by regulating and controlling the demolition of buildings and structures. (Ord. 1469, 7-24-1990)

4-11-2: PERMITS:

(A) Permits Required: No person, firm or corporation shall demolish any building or structure in the City without first obtaining a separate demolition permit for each such building or structure from the building official.

(B) Application: To obtain a demolition permit the applicant must complete and submit a written application with the Building Division. The demolition application shall:

1. Indicate if the building or structure is within a Historic District or is identified as a historic building or structure. If the building or structure falls into this category, an application for a site plan review is required by section 10-4-10 of this Code and must be filed and fees paid.

2. Identify and describe the work to be covered by the permit for which the application is made.

3. Describe the land on which the demolition work is to be done by the lot, block, tract, assessor's parcel, number and house and street address, or similar description that will readily identify and definitely locate the proposed work.

4. Indicate the use and/or occupancy of the building or structure.

5. Include a hazardous materials statement.

6. Be accompanied by photographs of each building or structure to be demolished.

7. Be signed by the owner or his authorized agent, who may be required to submit evidence to indicate such authority.

8. Give such other information as reasonably may be required by the building official.

9. To hold the City free and harmless for liability and indemnify the City from any loss or damage.

(C) Demolition Permits: The application and plans filed by the applicant shall be reviewed by the building official. Such plans may be reviewed by other departments of the City to assure compliance with ordinances and laws under their jurisdiction. When a site plan has been approved, the work described in the demolition application for the permit shall contain any conditions of the approved site plan. The demolition work shall also be in accordance with other pertinent ordinances and laws. Fees shall be paid as set by resolution of the City Council and insurance and bonds as specified below, shall be provided in order that a permit may be issued.

1. A cash bond, assigned deposit or performance bond of five thousand dollars ($5,000.00) to provide for damage to City property or utilities.

2. A liability and property damage insurance policy of one million dollars ($1,000,000.00).

3. A cash bond, assignment deposit or performance bond based on the estimated cost of the work to complete the demolition plus ten percent (10%). All performance bonds and insurance policies must be approved by the City Attorney as to form and legal requirements. (Ord. 1469, 7-24-1990)

4-11-3: SAFETY REQUIREMENTS:

(A) Hazards: The demolition of buildings or structures shall be performed in such a manner as not to create a hazard to pedestrian or vehicular traffic or to unreasonably impede such traffic. Forty eight (48) hours prior to the start of demolition the permittee shall notify the building official. Approvals must be obtained from affected city departments prior to start of any demolition.

(B) Danger To Persons Or Property: The demolition of buildings or structures shall be performed in such a manner as not to create a hazard to health and safety of any person or property. A four foot (4') fence and/or pedestrian protection as required by chapter 144 of the building code shall be installed. The building official may waive the fence requirement for minor demolition work.

(C) Notice To Cease: If, in the opinion of the building official exercising reasonable judgement, based upon an inspection at the demolition location, it is determined that the demolition is being performed in a manner as to create a hazard or danger, the building official shall issue a written stop work notice to persons demolishing the building or structure to cease such hazardous or dangerous activity immediately. Upon receipt of such notice, all persons engaged in the demolition shall cease such activity immediately and take such corrective action as may be required by the building official so as to eliminate such hazard or danger. (Ord. 1469, 7-24-1990)

4-11-4: BONDS REQUIRED:

The bonds and insurance referred to in section 4-11-2 of this chapter shall guarantee the performance by person(s) demolishing the building(s) or structure(s) to:

(A) Keep all streets, sidewalks and other public property clear and free of all debris during and after the demolition.

(B) Provide for fencing and pedestrian protection for site security, pedestrian protection, and prevent damage to publicly owned improvements.

(C) Leave the demolition site in a clean and level condition, removing from the site all foundation and debris, to fill to grade all holes, depressions or trenches resulting from the demolition, and cap to sewer in an approved manner.

(D) Repair all damage done to public or private property in the demolition of the building(s) or structure(s).

(E) Assure the completion of all work required by the demolition permit within the time designation. (Ord. 1469, 7-24-1990)

4-11-5: FORFEITURE OF BONDS:

The failure of the permittee to comply with any of the provisions of this chapter, or the permit, the city shall initiate the forfeiture of the bond(s) to complete the work in accordance with the permit requirements. (Ord. 1469, 7-24-1990)

4-11-6: COMPLETION:

Upon completion of the demolition of the building(s) and structure(s) under the provisions of this chapter and the permit, the building official shall return the cash bond(s) and/or release the assignment deposit(s) and performance bond(s). (Ord. 1469, 7-24-1990)

Chapter 12
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

4-12-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section:

ASSOCIATION: A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

COMMON INTEREST DEVELOPMENT: Any of the following:

(A) A community apartment project.

(B) A condominium project.

(C) A planned development.

(D) A stock cooperative.

ELECTRONIC SUBMITTAL: Utilization of one or more of the following:

(A) E-mail; or

(B) Internet; or

(C) Facsimile.

REASONABLE RESTRICTIONS: Restrictions on a solar energy system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

RESTRICTIONS THAT DO NOT SIGNIFICANTLY INCREASE THE COST OF THE SYSTEM OR DECREASE ITS EFFICIENCY OR SPECIFIED PERFORMANCE: (A) For water heater systems or solar swimming pool heating systems: An amount exceeding ten percent (10%) of the cost of the system, but in no case more than one thousand dollars ($1,000.00), or decreasing the efficiency of the solar energy system by an amount exceeding ten percent (10%), as originally specified and proposed.

(B) For photovoltaic systems: An amount not to exceed one thousand dollars ($1,000.00) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent (10%) as originally specified and proposed.

SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM: All of the following:

(A) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and all state and city health and safety standards.

(C) A solar energy system that is installed on a single or duplex family dwelling, and accessory buildings to the same.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

SOLAR ENERGY SYSTEMS: Either of the following:

(A) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(B) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

SPECIFIC, ADVERSE IMPACT: A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

STANDARD SOLAR INSTALLATION: A system that meets the "California Solar Permitting Guidebook" standard plan for installation of solar photovoltaic systems utilizing 2-wire multiple string central inverters, not exceeding a total AC output of ten (10) kilowatts, in single-family dwellings having a 3-wire electrical service not larger than two hundred twenty five (225) amps at a voltage of 120/240. The system includes a standard installation of DC to AC inverters, both micro and central inverters. The system does not contain batteries, power optimizers and generators. (Ord. 1671, 9-8-2015)

4-12-2: PURPOSE:

The purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the solar rights act and AB 2188 (chapter 521, statutes 2014) to achieve timely and cost effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety. (Ord. 1671, 9-8-2015)

4-12-3: APPLICABILITY:

(A) This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

(B) Small residential rooftop solar energy systems legally established or permitted prior to the effective date hereof are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like kind parts replacements shall not require a permit. (Ord. 1671, 9-8-2015)

4-12-4: SOLAR ENERGY SYSTEM REQUIREMENTS:

(A) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the city and local fire district.

(B) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California plumbing and mechanical codes.

(C) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California electrical code, the Institute Of Electrical And Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the public utilities commission regarding safety and reliability. (Ord. 1671, 9-8-2015)

4-12-5: DUTIES OF THE BUILDING DIVISION AND BUILDING OFFICIAL:

(A) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible city website.

(B) When possible, electronic submittal of the required permit application and documents by e-mail, the internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

(C) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(D) The city's building division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

(E) The small photovoltaic residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the "California Solar Permitting Guidebook" adopted by the governor's office of planning and research.

(F) An installation compliance checklist by the building official will be checked and signed by the solar installer as having met all the requirements applicable to the installation. (Ord. 1671, 9-8-2015)

4-12-6: PERMIT REVIEW AND INSPECTION REQUIREMENTS:

(A) The city building division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The building division shall issue a building permit or other nondiscretionary permit within three (3) business days for electronic applications of receipt of a deemed complete application and meets the requirements of the approved checklist and standard plan. The building official may determine that the proposed solar energy system is not subject to the expedited permitting process if the official finds based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the development services director.

(B) Review of the application shall be limited to the building official's or designee's review of whether the application meets local, state, and federal health and safety requirements.

(C) The applicant shall verify to reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation.

(D) The applicant shall verify to reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

(E) A building official may deny an application for the use permit if the building official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to

satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the development services director.

(F) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

(G) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of amended section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

(H) The city shall not condition approval of an application on the approval of an association or similar group, as defined in section 4080 of the Civil Code.

(I) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(J) Only one inspection shall be required and performed by the building division for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.

(K) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and provide a four (4) hour P.M. inspection window. The building official may require the presence of the installer or representative of the installing company during the final inspection or subsequent inspections.

(L) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter. (Ord. 1671, 9-8-2015)

4-12-7: FEES:

All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with state Health And Safety Code section 17951 and Government Code amended section 66015. The city shall not charge a residential permit fee that exceeds the estimated reasonable cost of providing the service for which the fee is charged. A fee based on the number of hours for service for a solar permit and inspection time provided is two hundred dollars ($200.00) unless determined the proposed system is more than a standard installation. The permit fee shall not exceed five hundred dollars ($500.00) plus fifteen dollars ($15.00) per kilowatt for each kilowatt above ten (10) kilowatts. (Ord. 1671, 9-8-2015)

4-12-8: SEVERABILITY:

(A) If any section, subsection, phrase, or clause of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

(B) The city council hereby declares that it would have passed this chapter and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional. (Ord. 1671, 9-8-2015)

Title 5
BUSINESS REGULATIONS

This section has been affected by a recently passed ordinance, Res 8479 - PROHIBITING NONMEDICAL MARIJUANA . Go to new ordinance.

Chapter 1
GENERAL LICENSES

5-1-1: DEFINITIONS:

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUSINESS: Includes professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

CITY: The city of Placerville, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or reincorporated form.

COLLECTOR: The city tax collector, city clerk/finance director, or other city officer charged with the administration of this chapter.

EMPLOYEE: A person who works for an employer, where right or control exists with such employer, where directions on performance of work can be given by employer and where breach of contract is not involved if work is halted by employer or employee; evidence that a person is included on the payroll of an employer, and deductions for federal or state income taxes, disability insurance, social security taxes are taken from the earnings of such person, and the employer pays payroll taxes on the earnings paid such person, is prima facie proof that such person is an employee.

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

SALE: Includes the transfer, in any manner or by any means whatsoever, of title to property for consideration; the serving, supplying, or furnishing for a consideration of any property; and a

transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definition 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: A written declaration or certification made under penalty of perjury. (Ord. 1354, 4-10-1984)

5-1-2: PURPOSE OF CHAPTER:

This chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation. (Ord. 1354, 4-10-1984)

5-1-3: EFFECT OF OTHER ORDINANCES:

Person required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provisions of other ordinances. (Ord. 1354, 4-10-1984)

5-1-4: LICENSE TAX PAYMENT REQUIRED:

There are hereby imposed upon the businesses, trades, professions, callings, and occupations specified in this chapter license taxes in the amounts hereinafter prescribed. It shall be 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 said city so to do and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this chapter. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or the state. (Ord. 1354, 4-10-1984)

5-1-5: BRANCH ESTABLISHMENTS:

A separate license must 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 that warehouses and distributing plants used in connection with, and incidental to, a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. Any person conducting two (2) 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, at his/her option, pay only one tax calculated on the highest tax for the businesses under the schedule that applies to the type of business of such person, except that a license tax equal to one-half ($^1/_2$) of the original tax for each additional branch or location shall be paid upon issuance. (Ord. 1354, 4-10-1984)

5-1-6: EVIDENCE OF DOING BUSINESS:

When any person shall, by use of signs, circulars, cards, telephone books, or newspapers, advertise, hold out, or represent that he/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/she is in business in the city, and such person fails to deny by sworn statement given to the collector that he/she is not conducting a business in the city after being requested to do so by the collector, then these facts shall be considered prima facie evidence that he/she is conducting a business in the city. (Ord. 1354, 4-10-1984)

5-1-7: EXEMPTIONS:

No person engaged in any business described in this section shall be required to pay any tax or fee prescribed in this chapter, and such persons are exempted from payment thereof.

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

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

The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

The following are the businesses declared to be exempt by this section:

(A) Charitable And Nonprofit Organizations: Any church, school, charitable, benevolent, or social organization conducting any exhibition, show, or performance for the exclusive benefit of such organization. Also any such organization conducting any sale or business for the exclusive benefit of such organization provided such organization is located within the corporate limits of the city. This exemption shall not apply to any person operating any business, show, sale, exhibition, or enterprise for profit who shares such profit with any such organization.

(B) Conflict With Federal And State Law: Any business exempt by virtue of the constitution or applicable statutes of the United States or of the state from the payment to municipal corporations of such taxes as are prescribed by this chapter.

(C) Employees: No person who is an employee or who is the direct representative of a licensee shall be required to pay a license tax for doing any part of the work of such licensee, except for peddlers and solicitors.

(D) Minors: Businesses owned and conducted by persons under the age of sixteen (16) years where all of the following conditions exist:

1. All persons engaged in the operation of the business shall be under the age of sixteen (16) years.

2. All persons engaged in the operation of the business shall have a bona fide ownership interest in the business.

(E) Franchises: Any business which pays franchise taxes to the city. (Ord. 1354, 4-10-1984)

5-1-8: CONTENTS OF LICENSE:

Every person required to have a license under the provisions of this chapter shall make application as hereinafter prescribed for the same to the collector of the city, and upon the payment of the prescribed license tax, the collector shall issue to such person a license which shall contain the following information:

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

(B) The business licensed.

(C) The place where such business is to be transacted and carried on.

(D) The date of the expiration of such license.

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

Whenever the tax imposed under the provisions of this chapter is from the operation of devices, machines, or other pieces of equipment, the collector shall issue only one license to the applicant. (Ord. 1354, 4-10-1984)

5-1-9: APPLICATION FOR FIRST LICENSE:

Upon a person making application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the collector a statement upon a form provided by the collector, setting forth the following information:

(A) The exact nature of kind of business for which a license is requested.

(B) The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same.

(C) In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning said business.

(D) In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residence of the officers or partners thereof.

(E) In all cases where the amount of license tax to be paid is measured by the number of employees or annual payroll, the application shall set forth such information as may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant.

(F) Any further information which the collector may require to enable him to issue the type of license for which an application has been made.

If the amount of the license tax to be paid by the applicant is measured by number of employees or annual payroll, he/she shall estimate the number of employees or annual payroll for the period to be covered by the license to be issued. Such information shall be considered strictly confidential by the city, and the divulgence of any such information shall be grounds for disciplinary action pursuant to the personnel code of the city[1]. 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. The collector shall not reissue to any such person another license for the same or another business until such person shall have furnished to the collector a statement upon a form furnished by the collector showing the number of employees or employee payroll during the period of such license, in order that the license tax may be finally ascertained for that business. (Ord. 1354, 4-10-1984)

5-1-10: RENEWAL LICENSE:

Each year when the business licenses that are measured by employee payroll or number of employees become due and payable, the business owners shall, upon request, submit to the collector for his/her guidance in ascertaining the amount of the license tax to be paid by the business owners, a 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/her to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this chapter. Such information shall be considered strictly confidential by the city, and the divulgence of any such information shall be grounds for disciplinary action pursuant to the personnel code of the city. (Ord. 1354, 4-10-1984)

5-1-11: STATEMENTS AND RECORDS:

No statements shall be conclusive as to the matters set forth herein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the collector, his/her deputies, or authorized employees of the city who are hereby authorized to examine, audit, and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license fee due. (Ord. 1354, 4-10-1984)

5-1-12: INFORMATION CONFIDENTIAL:

It shall be unlawful for the collector or any person having an administrative duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of 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 of 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. Divulgence of any such information shall be grounds for disciplinary action pursuant to the personnel code of the city; provided that nothing in this section shall be construed to prevent:

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

(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 of court of law, upon subpoena.

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

(D) The disclosure after the filing of a written request to that effect, to the taxpayer, or to his 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 amount of tax required to be collected, interest and penalties; further provided, however, that the city attorney approves each such disclosure and that the collector may refuse to make any disclosure referred to in this paragraph when in his/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 city council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to claim asserted against him/her by the city for license taxes, or when acting upon any other matter.

(G) The disclosure of general statistics regarding taxes collected or business done in the city. (Ord. 1354, 4-10-1984)

5-1-13: FAILURE TO FILE STATEMENT OR CORRECTED STATEMENT:

If any person fails to file any required statement, or if after demand made by the collector, he/she 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 he may be able to obtain.

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

If such a 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 Placerville, California, postage prepaid, addressed to the person so assessed at his/her last known address. Such person may, within fifteen (15) days after the mailing or serving of such notice, make application in writing to the collector for a hearing on the amount of the license tax and shall pay a nonrefundable thirty dollar ($30.00) filing fee. If such application is made, the collector shall cause the matter to be set for a hearing within thirty (30) days before the city council. The collector shall give at least fifteen (15) days notice to such person of the time and place that the hearing will be held. The council shall consider all evidence produced and shall make findings thereon, which shall be final. Notice of such findings shall be served upon the applicant in the manner prescribed above for serving notices of assessment. (Ord. 1354, 4-10-1984)

5-1-14: APPEAL:

Any person aggrieved by any decision of the collector with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the city clerk and paying a nonrefundable thirty dollar ($30.00) filing fee. The city clerk shall thereupon fix a time and place for hearing such an appeal. The city clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States post office at Placerville, California, postage prepaid, addressed to such person at his/her last known address. The city council shall have the authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provisions of this chapter. (Ord. 1354, 4-10-1984)

5-1-15: EXTENSION OF TIME FOR FILING STATEMENT OF APPLICATION:

In addition to all other authority conferred upon him/her, the collector shall have the authority, for good cause shown, to extend the time for filing any required statement or application for a period not exceeding thirty (30) days, and in such case as to waive any penalty that would otherwise have accrued. (Ord. 1354, 4-10-1984)

5-1-16: LICENSE NONTRANSFERABLE; CHANGED LOCATION AND OWNERSHIP:

No license issued pursuant to this chapter shall be transferable, provided that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may, upon application therefor and paying a fee of ten dollars ($10.00) 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; provided, further, that transfer to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section, stockbroker, bondholders, partnerships, or other persons holding an interest in a corporation or another entity herein defined to be a person, are regarded as having the real or ultimate ownership of such corporation or other entity. Any change in ownership of a business shall require that the new owner file an application, and upon approval by the city, he/she shall pay the applicable business license fee, which may be

prorated to no less than six (6) months fees for the appropriate classification. The transferor shall not be entitled to a refund of any amount of the unexpired license tax fee. (Ord. 1354, 4-10-1984)

5-1-17: DUPLICATE LICENSE:

A duplicate license may be issued by the collector to replace any license previously issued by the collector, which has been lost or destroyed, upon the licensee filing statement of such fact and at the time of filing such statement, paying to the collector a duplicate license fee of ten dollars ($10.00). (Ord. 1354, 4-10-1984)

5-1-18: POSTING AND KEEPING LICENSES:

Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is being conducted. 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/her person at all times while transacting and carrying on the business for which it is issued. (Ord. 1354, 4-10-1984)

5-1-19: LICENSE TAX; HOW AND WHEN PAYABLE:

Unless otherwise specifically provided, all license taxes shall be paid on an annual basis and shall be due and payable on September 1 of each year; provided that license taxes covering new operations, commenced after March 1, may be prorated for the balance of the license period, but not for less than six (6) months. Licenses, other than for an annual period, shall not be prorated.

Except as otherwise herein provided, license taxes, other than annual, required hereunder shall be due and payable as follows:

(A) Daily flat rate license taxes each day in advance.

(B) Other flat rate license taxes are payable in advance on the first day of business and thereafter on the first day of any applicable period. (Ord. 1495, 7-28-1992)

5-1-20: PENALTY FOR DEFAULT:

To every license provided for in this chapter, there shall be a penalty of ten percent (10%) per month of the amount of the license imposed, with a maximum of five (5) months, if the license is not paid by the specified time set forth on the billing notice, and the same shall be collected and the payment thereof shall be enforced in the same manner as other licenses are collected and payment thereof enforced. (Ord. 1354, 4-10-1984)

5-1-21: ENFORCEMENT:

It shall be the duty of the collector, and he/she is hereby directed to enforce each and all of the

provisions of this chapter, and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the collector or the city council. The collector, in the exercise of the duties imposed upon him/her hereunder, and acting through his/her deputies or duly authorized assistants, may examine or cause to be examined all places of business in the city to ascertain whether the businesses have complied with the provisions of this chapter. The collector and each and all of his/her assistants and any police officer assigned to do so, shall have the authority to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and request an exhibition of its license. Any person having such license theretofore issued in his/her possession or under his/her control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor. It shall be the duty of the collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions. (Ord. 1354, 4-10-1984)

5-1-22: LICENSE TAX A DEBT:

The amount of any license tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the city. Legal action may be commenced in the said city for the amount of any delinquent license tax penalties. (Ord. 1354, 4-10-1984)

5-1-23: REMEDIES CUMULATIVE:

All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 1354, 4-10-1984)

5-1-24: PENALTY FOR VIOLATION:

Any person violating any of the provisions of this chapter, or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring the license herein provided for, shall be deemed guilty of a misdemeanor. (Ord. 1354, 4-10-1984)

5-1-25: EFFECT OF ORDINANCE ON PAST ACTIONS, UNEXPIRED LICENSES:

Neither the adoption of this chapter nor its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunder pertaining shall continue in full force and effect.

Where a license for revenue purposes has been issued to any person by the city and the tax paid for the business for which the license has been issued under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license tax prescribed for such business by this chapter shall not be payable until the expiration of the term of such unexpired license. (Ord. 1354, 4-10-1984)

5-1-26: LICENSE FEES:

Hereafter, license fees are to be established by resolution of the city council. The rate and amount of license fee which shall be paid to the city by every person engaged in conducting or carrying on any occupation, within the city, are established as follows: (Ord. 1354, 4-10-1984)

(A) Low category: Sixty two dollars ($62.00). (Res. 5534, 7-14-1992)

In addition to the specific business classifications listed below, this category includes any business which is solely owner operated with no employees.

Barber/beauty shops.

Bed and breakfast.

Chimney sweeps.

Dancing academy.

Handyman.

Hauling service.

Home occupations.

Janitorial service.

Junk collectors.

Nurses, private (contract).

Pool and billiard tables, as an ancillary use.

Scavenger.

Secretarial service.

Shoe repair.

Tailor.

Teachers, private.

Towing service.

Wood service.

Yard/gardening service. (Ord. 1354, 4-10-1984)

(B) Regular category: One hundred twenty two dollars ($122.00). Includes occupations general. Any business for profit not herein specifically licensed. (Res. 5534, 7-14-1992)

1. This is the general category for all businesses not fitting the criteria for low, special, or high categories, including, but not limited to:

Advertising. For every person carrying on the business of advertising by means of billposting, sign advertising, billboards, advertising signboards, theater film trailers, or any other method of advertising.

Nothing in this subsection shall be deemed or construed as applying to the owners of real estate or their agents in advertising their property for sale or lease by means of billposting, or other advertising display, billboards, or advertising signboards, located upon the property advertised for sale or lease, or within the office of the real estate agent; provided, further, that nothing in this subsection shall be deemed or construed as applying to any person licensed to conduct a business within the city in advertising such business, either by means of billposting, advertising display, billboards, theater film trailers, or advertising signboards.

Ambulance. For every person conducting the business of operating an ambulance service.

Auto repair shops. For every person engaged in the business of operating an auto repair shop.

Collection agencies. For every person carrying on the business of collecting debts, claims, or demands, and known as a collection agency.

Contractors. All contractors engaged in the business of contracting, whether general contractors or subcontractors. A contractor under the terms of this chapter shall be deemed all persons accepting contracts for the performance of any work in the following trades or occupations:

Brick masons.

Carpenters.

Concrete workers.

Electricians.

Excavating work for laying or construction of sewers.

Grading.

House movers.

Painters.

Paper hangers.

Paving.

Plasterers.

Plumbers.

Any other craft relating to building.

Before any building permit is issued, it shall be the duty of the building official to ascertain if all contractors to be engaged upon the work of the building shall have first obtained a license as required by this section.

Dairy. For every person engaged in the business of operating a dairy.

Dry cleaning. For every person engaged in the business of cleaning and pressing clothing or wearing apparel, being a business commonly known as dry cleaning.

Laboratories. For every person engaged in the business of a laboratory.

Laundromats. For every person operating a laundromat.

Lunch counter. A "lunch counter" shall be defined as a place serving light meals, but not serving three (3) bona fide meals a day or dinner at night.

Machine shops. For every person engaged in the business of operating a machine shop.

Manufacturing. For every person conducting the business of manufacturing.

Newspaper. For every person engaged in the business of providing a newspaper service.

Pawnbroker. For every person carrying on the business of a pawnbroker.

Photographer. For every person engaged in the business of photographer.

Printing office. For every person engaged in conducting a printing office.

Professions. Every person engaged in any of the following professions:

Architect.

Attorney.

Certified public accountant.

Chiropractor.

Dentist.

Engineer.

Funeral director, embalmer, or cremator.

Hypnotherapist.

Insurance brokers.

Oculist.

Optician.

Optometrist.

Orthodontist.

Physical therapist.

Physician.

Podiatrist.

Radiologist.

Real estate broker.

Stockbroker.

Surgeon.

Veterinarian.

Public dances, exhibitions, and entertainment. For every person conducting any public dance, entertainment, or exhibition where admission is charged. For the purpose of this section, entertainment or exhibitions shall be construed as including the following: boxing matches, wrestling matches, athletic contests, or exhibitions where the performers are paid for their services or by a fixed salary or by a percentage of the receipts, lectures, minstrels, theatrical exhibitions, musical entertainments and concerts, or any and all other exhibitions or entertainments given for the purpose of entertaining the public at which an admission is charged; provided, however, that nothing in this subsection shall be deemed or construed as requiring a separate license from a person licensed to conduct a theater in the city, it being expressly provided that any person holding a license to conduct a theater in the city shall not be required to obtain a license under this subsection; and provided, further, that no license to conduct any of the dances, boxing matches, athletic contests, or exhibitions where the performers are paid for their services by a fixed salary or by a percentage of the receipts at which an admission is charged when fifty percent (50%) or more of the receipts from the dance, boxing match, wrestling match, athletic contest, or exhibition is to be appropriated to any church, school, fraternal organization, or society for any benevolent or charitable purpose; and when the dance, boxing match, wrestling match, athletic contest, or exhibition is to be managed, conducted, held or carried on for the purpose of any church, school, religious, or benevolent purpose or for any fraternal or charitable organization, no license shall be charged.

Radio station. For every person engaged in the business of providing radio service.

Residential care home. For engaging in the business of providing twenty four (24) hour a day residential care services, which includes room, board, and assisting with personal supervision.

Sign painter, sign contractor. For every person engaged in the business of sign painting or window lettering, or every person engaged in the business of contracting for the construction, erection, and repair of signs.

Storage. For every person conducting the business of storehouses or warehouses for the storage of goods, merchandise, baggage, or household furniture or goods.

Taxicab service. For every person engaged in the business of providing a taxi service.

Telegraph office. For every person carrying on the business of telegraphing.

Television station. For every person engaged in the business of providing television service.

Transfer and express business. For every person carrying on the business of running, driving, or operating any automobile, truck, or any other motor propelled vehicle used for the transportation of baggage, express, freight, household goods, merchandise, or materials. The license fees in this subsection shall not apply to any person operating any such vehicle in connection with any

commercial business where a license is herein otherwise specifically imposed upon the business.

Merchant. For every person whose business is buying and selling goods for a profit and engages in any one or more enterprises in which personal property, other than meals, is sold or offered for sale. (Ord. 1354, 4-10-1984)

(C) High category: Three hundred seventy eight dollars ($378.00). (Res. 5534, 7-14-1992)

All businesses, regardless of prior classification, employing twenty (20) or more employees and having a total payroll of over two hundred thousand dollars ($200,000.00). (Ord. 1354, 4-10-1984)

(D) Special category: As specified:

Auctioneer	$ 29.00 per day
Amusements	152.00 per day
Auto courts, motels and hotels: 12 units or less Over 12 units	 62.00 122.00
Banking, finance and title companies	200.00
Bowling alley	152.00
Card room	456.00 (plus $62.00 per table over 6 tables)
Christmas trees, pumpkin sales or other harvest product sales (also requires conditional use permit by planning commission)	75.00
Circus	152.00
County fair	500.00
Flea markets (also requires use permit by planning commission)	456.00 (or $27.00 per day per person)
Fortune teller	303.00
Helicopter businesses	150.00
Itinerant merchant (requires approval of chief of police and conditional use permit from planning commission)	75.00 per day (not to exceed $300.00 for any 7 consecutive days)
Laundry	227.00
Nightclub/cabaret (for the operation of a restaurant and/or barroom with dancing and/or live entertainment)	152.00
Peddler, solicitor (requires 48 hour review and approval by the chief of police)	75.00 per day (not to exceed $300.00 for any 7 consecutive days)
Restaurant: 10 employees or less More than 10 employees	 122.00 227.00
Skating rink	152.00

Telephone utility	378.00
Theater	152.00
Vendors (for every person engaged in the business of supplying and locating automatic vending and/or music machines to established businesses where a fee is charged to play music or dispense a product)	152.00

(Ord. 1354, 4-10-1984; amd. Ord. 1432, 1-26-1988; Res. 5071, 6-13-1989)

Business license fees shall be adjusted annually according to the consumer price index for all urban consumers as of July 1 of each year and become effective thereafter on September 1 of each year. (Res. 5534, 7-14-1992)

Chapter 2
SALES AND USE TAX

5-2-1: SHORT TITLE:

This chapter shall be known as the *UNIFORM LOCAL SALES AND USE TAX ORDINANCE*. (Ord. 1044, 10-30-1973)

5-2-2: RATE:

The rate of sales tax and use tax imposed by this chapter shall be one percent (1%). (Ord. 1044, 10-30-1973)

5-2-3: OPERATIVE DATE:

This chapter shall be operative on January 1, 1974. (Ord. 1044, 10-30-1973)

5-2-4: PURPOSE:

The city council hereby declares that this chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(A) To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in part 1.5 of division 2 of the Revenue and Taxation Code;

(B) To adopt a sales and use tax ordinance which incorporates provisions identical to those of the sales and use tax law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in part 1.5 of division 2 of the Revenue and Taxation Code;

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

(D) To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of part 1.5 of division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Ord. 1044, 10-30-1973)

5-2-5: CONTRACT WITH STATE:

Prior to the operative date this city shall contract with the state board of equalization to perform all functions incident to the administration and operation of this sales and use tax ordinance; provided, that if this city shall not have contracted with the state board of equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this chapter. (Ord. 1044, 10-30-1973)

5-2-6: SALES TAX:

For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the city at the rate stated in section 5-2-2 of this chapter of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date. (Ord. 1044, 10-30-1973)

5-2-7: PLACE OF SALE:

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out of state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the state board of equalization. (Ord. 1044, 10-30-1973)

5-2-8: USE TAX:

An excise tax is hereby imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this city at the rate stated in section 5-2-2 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. (Ord. 1044, 10-30-1973)

5-2-9: ADOPTION OF PROVISIONS OF STATE LAW:

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of part 1.5 of division 2 of the Revenue and Taxation Code, all of the provisions of part 1 of division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein. (Ord. 1044, 10-30-1973)

5-2-10: LIMITATIONS ON ADOPTION OF STATE LAW:

In adopting the provisions of part 1 of division 2 of the Revenue and Taxation Code, whenever the state of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. The substitution, however, shall not be made when the word "state" is used as part of the title of the state controller, the state treasurer, the state of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the state board of equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of part 1 of division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under said provisions of that code; the substitution shall not be made in sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "state" in the phrase "retailer engaged in business in this state" in section 6203 or in the definition of that phrase in section 6203. (Ord. 1044, 10-30-1973)

5-2-11: PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this chapter. (Ord. 1044, 10-30-1973)

5-2-12: EXCLUSIONS AND EXEMPTIONS:

There shall be excluded from the measure of tax:

(A) The amount of any sales or use tax imposed by the state upon a retailer or consumer.

(B) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with part 1.5 of division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state.

(C) The gross receipts from sales to, and the storage, use or other consumption of property purchased by, operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside this city.

(D) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the public utilities commission of the state. (Ord. 1044, 10-30-1973)

5-2-13: EXCLUSIONS AND EXEMPTIONS[1]:

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

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

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

(D) In addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 1342, 12-13-1983)

5-2-14: APPLICATION OF PROVISIONS RELATING TO EXCLUSIONS AND EXEMPTIONS:

(A) Section 5-2-13 of this chapter shall become operative on January 1 of the year following the year in which the state board of equalization adopts an assessment ratio for state assessed property which is identical to the ratio which is required for local assessments by section 401 of the Revenue and Taxation Code, at which time section 5-2-12 of this chapter shall become inoperative.

(B) In the event that section 5-2-13 of this chapter becomes operative and the state board of equalization subsequently adopts an assessment ratio for the state assessed property which is higher than the ratio which is required for local assessments by section 401 of the Revenue and Taxation Code, section 5-2-12 of this chapter shall become operative on the first day of the month

following the month in which such higher ratio is adopted, at which time section 5-2-13 of this chapter shall be inoperative until the first day of the month following the month in which the board again adopts an assessment ratio for state assessed property which is identical to the ratio required for local assessments by section 401 of the Revenue and Taxation Code, at which time section 5-2-13 of this chapter shall again become operative and section 5-2-12 of this chapter shall become inoperative. (Ord. 1044, 10-30-1973)

5-2-15: AMENDMENTS:

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with part 1.5 of division 2 of the Revenue and Taxation Code shall automatically become a part of this ordinance. (Ord. 1044, 10-30-1973)

5-2-16: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection under this ordinance, or part 1.5 of division 2 of the Revenue and Taxation Code, of any tax or any amount of tax or any amount of tax required to be collected[2]. (Ord. 1044, 10-30-1973)

5-2-17: PENALTIES:

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in California Penal Code section 19. (Ord. 1578, 8-28-2001)

5-2-18: SEVERABILITY:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. (Ord. 1044, 10-30-1973)

5-2-19: REPEALS:

Ordinance 783, as amended by ordinances 825 and 874, is hereby repealed; provided, however, that said ordinance, as amended, shall remain applicable for the purposes of the administration of said ordinance and the imposition of and the collection of tax with respect to the sales of, and the storage, use, or other consumption of tangible personal property prior to January 1, 1974, the making of refunds, effecting credits, the disposition of monies collected, and for the commencement or continuance of any action or proceeding under said ordinance. (Ord. 1044, 10-30-1973)

Chapter 3
HANDBILLS

(Rep. by Ord. 1570, 5-8-2001)

Chapter 4
SOLICITORS AND PEDDLERS

5-4-1: PERMIT AND LICENSE REQUIRED:

Every person who operates the business of selling or peddling tickets, checks or coupons to be used in payment or part payment for picture frames, pictures, portraits, photographs, or the enlarging or retouching of the same or who engages in the taking of photographs and every person engaged in the business of selling, offering for sale, or taking orders for or soliciting the sale of any goods, wares, merchandise, or other personal property the subject of 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 also including the taking or soliciting of orders for future delivery of photographs, portraits, prints, pictures, newspapers, magazines, clothing, fixtures, machines, appliances, and all other articles or things to be made, produced, combined or manufactured, and every person employed by such person to solicit business shall first secure a permit from the chief of police and a license from the tax collector. (Ord. 768, 5-19-1955)

5-4-2: APPLICATION FOR PERMIT:

Every person requiring a permit as provided for herein shall make written application to the chief of police for the permit on forms provided by the police department. The application shall be accompanied by fingerprints of the applicant, shall contain all information deemed relevant by the chief of police and shall contain in addition thereto the name, business or occupation and resident address of each person financially interested in the business. Permits requested by persons acting as solicitors for the person conducting, carrying on or managing the business shall be first authorized, in writing, by the person engaging, employing or hiring the person. "Solicitors" shall mean every person acting as servant, agent or employee of the person conducting, carrying on or managing the business. (Ord. 768, 5-19-1955)

5-4-3: INVESTIGATION; ISSUANCE OR DENIAL OF PERMIT:

Upon receipt of the application, the chief of police shall conduct such investigation as he may deem proper as to the character and morals of the applicant and the character of the business to be conducted. No permit shall be issued to any person who has been convicted of a felony, petty theft or a crime involving moral turpitude. (Ord. 768, 5-19-1955)

5-4-4: PERMIT FORWARDED TO TAX COLLECTOR:

When any permit is issued under the provisions of this chapter, the chief of police shall cause the permit to be forwarded to the office of the tax collector for delivery to the permittee upon the payment of the license fee as prescribed by chapter 1 of this title. The permit shall be carried by the permittee at all times and exhibited upon request. (Ord. 768, 5-19-1955)

5-4-5: REVOCATION OF PERMIT:

The chief of police may revoke any permit issued hereunder when the permittee is violating or attempting to violate any law of the state or the city. (Ord. 768, 5-19-1955)

5-4-6: LICENSEE; COMPLIANCE WITH REGULATIONS:

The issuance of a permit or license under the provisions of this chapter shall not exempt the permittee from any other provisions of this code requiring a permit or license or otherwise regulating the business defined herein. (Ord. 768, 5-19-1955)

5-4-7: INVESTIGATION FEE:

At the time of filing with the chief of police the application for a license, the applicant shall pay a fee as set by resolution of the city council. (Ord. 1300, 5-25-1982)

5-4-8: APPEAL:

Any person aggrieved by the action of the chief of police or by the tax collector in the denial of a license shall have the right to appeal to the council. The appeal shall be taken by filing with the council, within fourteen (14) days after notice of the denial, a written statement setting forth fully the grounds of appeal. The council shall set a time and place for a hearing on the appeal and notice of the hearing shall be given to the appellant by mailing a notice, postage prepaid, to the appellant at his last known address at least five (5) days prior to the date set for hearing. The decision and order of the council on the appeal shall be final and conclusive. (Ord. 768, 5-19-1955)

5-4-9: EXCEPTIONS TO CHAPTER:

This chapter shall not apply to those who are classified and are paying a city license as either a resident merchant or a nonresident merchant, nor to the employees, of a resident or nonresident merchant. (Ord. 768, 5-19-1955)

Chapter 5
TAXICABS

Article I. General

5-5-1: DEFINITIONS:

CITY MANAGER: The city manager or his or her designee.

DIRECTOR: The city director of finance or his or her designee.

TAXICAB: Every motor propelled vehicle, except sightseeing and interurban busses, used solely or mainly for the transportation of passengers for compensation over the public streets of the city, irrespective of whether the operations extend beyond the boundary limits of the city, and between such points and over such route as may be directed by the passenger.

TAXIMETER: Shall be held to mean and embrace any instrument or device attached to a vehicle and designed or intended to measure mechanically the distance traveled by such vehicle, to record the time the vehicle is in waiting, and to indicate upon such record by figures or designs the fare to be charged in dollars and cents. (Ord. 1350, 2-14-1984)

5-5-2: CONTINUING INSPECTION OF VEHICLES:

In addition to the inspection specified in subsection 5-5-5(F) of this chapter, the city manager or the chief of police, subject to the approval of the city manager, shall, in their sole discretion, have the authority to require additional inspections of taximeters, lamps, brakes, and emission control, and if it is found that the taxicab or equipment is in such condition that its operation is in violation of the state Vehicle Code, the city manager shall, in accordance with the provisions of state Vehicle Code section 24004, prohibit the use of such taxicab until such time as it has been brought into compliance with the state Vehicle Code. (Ord. 1350, 2-14-1984)

5-5-3: EXEMPTIONS:

This chapter shall not apply to the operation of taxicabs transporting passenger(s):

(A) From a point outside the city to a destination within the city; or

(B) En route from a point outside the city to a destination outside the city. (Ord. 1350, 2-14-1984)

Article II. Taxicab Vehicular Permit

5-5-4: PERMIT REQUIRED:

It shall be unlawful for any person to engage in the business of operating a taxicab without first obtaining a taxicab vehicular permit for each taxicab as required by this article. (Ord. 1350, 2-14-1984)

5-5-5: PERMIT PROCEDURE:

Applications for a taxicab vehicular permit shall be filed with the director and shall contain the following:

(A) The individual and business name, address, and telephone number of the permit applicant.

(B) Written evidence that the applicant is an owner, lessee or holder of a similar interest in the taxicab.

(C) The name and address of all legal and registered owner(s) of the taxicab, and each person with a financial interest in the business which operates the taxicab.

(D) The state vehicle license number of the taxicab.

(E) A city certificate of insurance, establishing compliance with section.

(F) A state certificate of compliance or other writing, dated not more than six (6) months preceding the application date, issued by a state certified examiner or examiners, and evidencing that the taxicab complies with prevailing state smog, lamp and brake equipment standards.

(G) The serial number of the taximeter attached to the taxicab.

(H) An annual nonprorateable permit fee, as established by resolution of the city council.

(I) Such other information as may be required to further the purpose of this chapter. (Ord. 1350, 2-14-1984)

5-5-6: PERMIT ISSUANCE AND DENIAL:

(A) A taxicab vehicular permit shall be issued by the director upon receipt of a complete application, as specified in section 5-5-5 of this article.

(B) All taxicab vehicular permits shall expire on the calendar year following the date of issuance unless sooner revoked.

(C) A taxicab vehicular permit shall authorize the operation of a single taxicab and taximeter and shall not be transferable to any other vehicle or taximeter.

(D) A taxicab vehicular permit may be denied by the director on the following grounds:

1. The applicant knowingly made a false statement of fact required to be revealed in the permit applicant.

2. The applicant has been convicted of a crime which, in the opinion of the chief of police, is substantially related to the qualifications, function or duties of a taxicab owner or owners of a taxicab business. (Ord. 1350, 2-14-1984)

5-5-7: POSTING REQUIREMENT:

There shall be displayed in the taxicab passenger compartment in full view of any passenger:

(A) A copy of a valid permit issued pursuant to this article;

(B) A copy of the rate schedule identical to the rate schedule established pursuant to resolution of the city council;

(C) The register display of the taximeter. (Ord. 1350, 2-14-1984)

5-5-8: RATE SCHEDULE AMENDMENT:

The rates to be charged for the hire of a taxicab shall be established by resolution of the city council. The city may, upon application made by any permittee, amend the resolution establishing the rates to be charged for taxi service. (Ord. 1350, 2-14-1984)

5-5-9: LIABILITY INSURANCE:

During the term of a permit issued pursuant to this article, the permittee or owner(s) of a taxicab authorized by the permit shall maintain in full force and effect at no cost to the city a comprehensive auto and general liability insurance policy:

(A) In an amount no less than five hundred thousand dollars ($500,000.00) single limit per occurrence; and

(B) Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

(C) Providing that the city, its officers, employees and agents are to be named as additional insureds under the policy. (Ord. 1350, 2-14-1984)

5-5-10: INDEMNIFY AND HOLD HARMLESS:

The permittee and taxicab owner(s) shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including, but not limited to, attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in

part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the operation of a taxicab. The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the permittee may be subjected to under other laws. (Ord. 1350, 2-14-1984)

5-5-11: PROCEDURE FOR PERMIT DENIAL, REVOCATION OR SUSPENSION:

(A) The director may deny, revoke or suspend a taxicab vehicular permit only after a hearing granted upon three (3) days' written notice to those persons specified in subsections 5-5-5(A) and (C) of this article. Such notice shall specify the specific grounds for the proposed action. The hearing shall be held by the city manager and shall be conducted in a manner so as to allow a full and fair hearing and is to follow the procedure set forth in section 5-5-19 of this chapter.

(B) If any person specified in subsection 5-5-5(A) or (C) of this article is dissatisfied with the decision of the city manager in ordering the denial, revocation or suspension of the permit, such person may appeal to the city council by filing a notice of appeal in writing with the city clerk within ten (10) days of the date of the written decision of the city manager. The city council shall hold a hearing within thirty (30) days of the receipt of the notice of appeal. The appellant shall be accorded the same hearing rights provided in subsection (A) of this section. The city council may sustain, reverse or modify the order of the city manager. The decision of the city council shall be final. (Ord. 1350, 2-14-1984)

5-5-12: GROUNDS FOR PERMIT REVOCATION OR SUSPENSION:

(A) A taxicab vehicular permit issued pursuant to this article may be revoked or suspended for the following reasons:

1. Failure to comply with the requirements specified in section 5-5-7 of this article; or

2. Operation of the taxicab without an accurate taximeter, or with a taximeter other than that specified in the permit application; or

3. The taxicab or its equipment is in such condition that its operation violates the state Vehicle Code; or

4. Since the issuance of the permit, grounds for permit denial pursuant to subsection 5-5-6(D) of this article have occurred; or

5. Transfer or sale of the permit to a vehicle or taximeter other than that identified in the permit application.

(B) Upon written notice by an insurer of cancellation, expiration or change in insurance coverage resulting in noncompliance with section 5-5-9 of this article, a permit issued pursuant to this article shall be automatically suspended effective upon the effective date of the change in coverage stated in the written notice by the insurer.

The suspension shall continue until the city receives written notice from the insurer indicating compliance with the requirements of section 5-5-9 of this article, or until the permit expires, as provided in subsection 5-5-6(B) of this article. (Ord. 1350, 2-14-1984)

Article III. Taxicab Driver Permit

5-5-13: PERMIT REQUIRED:

No person shall drive for compensation or offer to drive for compensation a taxicab unless he or she holds a valid taxicab driver permit issued pursuant to this article. (Ord. 1350, 2-14-1984)

5-5-14: PERMIT PROCEDURE:

Application for a taxicab driver permit shall be filed with the director and shall contain the following:

(A) The name and address of the applicant;

(B) The number of a valid state driver license issued to the applicant, and date of license expiration;

(C) A statement of whether the applicant's state driver's license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension;

(D) A list of each conviction of the applicant. The list shall, for each such conviction, set forth the date of arrests, the offense charged, and the offense of which applicant was convicted;

(E) A list of the applicant's physical or mental disabilities or incapacities. With respect to each such disability or incapacity, applicant shall state whether the same would interfere with proper management and control of a motor vehicle;

(F) An annual nonprorateable permit fee, as established by resolution of the city council;

(G) Such other information as may be required by the director to further the purpose of this chapter. (Ord. 1350, 2-14-1984)

5-5-15: PERMIT ISSUANCE:

(A) A taxicab driver permit shall be issued by the director:

1. Upon receipt of a complete application, as specified in section 5-5-14 of this article; and
2. If no ground for permit denial or revocation exists, as specified in section 5-5-16 or 5-5-17 of this article; and
3. After fingerprinting of the applicant by the police department, and submission of four (4) recent dated portrait photographs, one to be attached to the application, one to be attached to the driver's permit if issued, and two (2) for the use of special investigation section of the police department.

(B) All permits shall expire on the calendar year following the date of issuance unless sooner revoked. A permit shall not be transferable. (Ord. 1350, 2-14-1984)

5-5-16: GROUNDS FOR PERMIT DENIAL:

A taxicab driver's permit may be denied by the director on the following grounds:

(A) Failure to submit a complete application, as specified in section 5-5-14 of this article;

(B) Failure to submit fingerprinting and photographs, as required by subsection 5-5-15(A)3 of this article;

(C) The applicant knowingly made a false statement of fact required to be revealed in the permit application;

(D) The applicant:

1. Has been convicted of a crime; or

2. Has done any act involving dishonesty, fraud or deceit with intent to substantially benefit him or herself, or another, or substantially injure another; or

3. Has a physical or mental disability or incapacity. Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection only if, in the opinion of the chief of police, the crime, act, disability, incapacity or the qualifications relates to the functions or duties of a taxicab driver. (Ord. 1350, 2-14-1984)

5-5-17: UNLAWFUL ACTS:

(A) It shall be unlawful for any person to operate a taxicab for compensation with knowledge that the taxicab or taximeter is not authorized by a valid permit or that grounds for revocation or suspension of said permit pursuant to section 5-5-12 of this chapter exist.

(B) It shall be unlawful for any taxicab driver or person in the business of operating a taxicab for compensation to do any of the following:

1. Charge an additional type of fee or higher fee other than those fees posted, as required by section 5-5-7 of this chapter;

2. Transport a greater number of passengers than the rated seat capacity of the taxicab; or

3. Refuse, upon request, to give a passenger a written receipt showing the fare due, and the miles and minutes employed; or

4. Fail to display a valid permit, issued pursuant to this article, in the taxicab interior in full view of any passenger; or

5. Solicit or carry passengers for compensation in a taxicab not posted in compliance with section 5-5-7 of this chapter, or not equipped with an operable accurate taximeter.

(C) It shall be unlawful for any person to wilfully refuse to pay the legal fair charged for his or her employment of a taxicab. (Ord. 1350, 2-14-1984)

5-5-18: GROUNDS FOR PERMIT REVOCATION OR SUSPENSION:

A taxicab driver's permit may be revoked or suspended by the director on any of the following grounds:

(A) Violation of section 5-5-17 of this article; or

(B) If, since the issuance of the permit, grounds for permit denial pursuant to subsection 5-5-16(D) of this article have occurred, or the applicant has been found by the director to have knowingly made a false statement of fact required to be revealed in the permit application; or

(C) Transfer or sale of the permit to an individual other than the person specified on the permit application. (Ord. 1350, 2-14-1984)

5-5-19: PROCEDURE FOR PERMIT DENIAL, REVOCATION OR SUSPENSION:

(A) The director may refuse to issue, revoke or suspend a taxicab driver's permit only after a hearing granted upon three (3) days' written notice to the permittee. Such notice shall specify the specific grounds for the proposed action. At the hearing, to be held by the city manager, the permittee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all witnesses presented. The city manager shall mail or otherwise furnish to the permittee a written decision, stating the grounds for the decision. The taking or pendency of an appeal under subsection (B) of this section shall not stay the effectiveness of such decision.

(B) If the permittee is dissatisfied with the decision of the city manager in ordering the denial, revocation or suspension of the permit, such person may appeal to the city council by filing a notice of appeal in writing with the city clerk within ten (10) days of the date of the written decision of the city manager. The city shall hold a hearing within thirty (30) days of the receipt of the notice of appeal. The permittee shall be accorded the same hearing rights provided in subsection (A) of this section. The city council may sustain, reverse or modify the order of the director. The decision of the city council shall be final. (Ord. 1350, 2-14-1984)

Chapter 6
RESERVED
(Ord. 1018, 1-9-1973)

Chapter 7
RESERVED
(Ord. 1083, 5-25-1976)

Chapter 8
CARD ROOMS

5-8-1: LICENSE REQUIRED:

It shall be unlawful for any person to conduct within the city, any place of business or any room wherein the playing of cards is permitted or carried on, except as hereinafter provided.

Before any person shall engage in the business of operating a card room he shall make application for and obtain a license from the license and tax collector and pay the license fees as prescribed in chapter 1 of this title. Before the license and tax collector shall issue a license to any person for the purpose of permitting the person to operate a card room the applicant shall make a written application to the chief of police on forms provided by the police department. The application shall be accompanied by fingerprints of the applicant or any dealers or operators of said card room and shall contain all information deemed relevant by the chief of police and accompanied by a photograph of the operator or any dealer making such application to operate or deal cards in any licensed card room. Upon the receipt of the application, the chief of police shall conduct such investigation as he may deem proper as to the character and morals of the applicant and the character of the business to be conducted. No permit or license shall be issued to any person who has been convicted of a felony, petit theft, or a crime involving moral turpitude. The chief of police may revoke any permit or license issued hereunder when the permittee is violating or attempting to violate any law of the state or city. (1962 Code)

Any nonprofit society, club, fraternity, labor or other organization having adopted bylaws, duly elected directors and members which have card tables for the exclusive use of its members, and where no charge is made for any of the facilities, shall be exempt from the provisions of this chapter.

The license and tax collector shall issue the license upon the approval of the application by the chief of police. In the event that the chief of police disapproves the application, the applicant shall be promptly notified and furnished with the reasons therefor. No license shall issue sooner than ninety (90) days following the date of the application. (Ord. 1330, 8-23-1983)

5-8-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall be defined as follows:

CARD ROOM: Any space, room or enclosure, or any portion thereof, open to the public for the lawful playing of cards, regardless of whether the tables, chairs and other furniture and fixtures are temporary or permanent, or at times used for other purposes.

CARD ROOM EMPLOYEE: Any owner, dealer, overseer or other person directly connected with the operation and supervision of card tables.

HOUSE PLAYER: Any card room licensee or any person employed in a card room in the city who plays any game in a card room. (Ord. 1330, 8-23-1983)

5-8-3: HOURS OF OPERATION; MINORS:

(A) It is unlawful for any minors under the age of eighteen (18) years to be upon the premises of any card room.

(B) Card rooms may be open any hour of the day or night however, the dispensing and/or consumption of alcoholic beverages shall not be allowed between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. (Ord. 1330, 8-23-1983)

5-8-4: OPERATION REGULATIONS:

(A) No licensee shall permit or otherwise allow any conduct, activity or condition upon the premises so as to disturb the quiet and good order of the premises or the neighborhood.

(B) No licensee shall harbor, admit or permit to enter or remain on the premises any lewd or dissolute person, or any person under the influence of narcotics, or any intoxicated person, and no such person shall enter upon or remain upon such premises.

(C) No person shall operate a card room unless there is present at all times it is open to the public, at least one person twenty one (21) years of age or older who is devoting his/her entire time and attention to the operation of the premises.

(D) No person shall be employed in any capacity at any card room unless such person:

1. Is at least eighteen (18) years of age.

2. Has completed the required application procedure and is granted a license in accordance with the provisions of this chapter.

(E) Limit On Card Room Licenses: The number of card room licenses issued shall not exceed two (2) at any one time.

(F) Table Limit: The number of tables in any card room licensed as of the effective date of this section shall not be increased, except that every card room may have up to five (5) tables. A "table" is defined as an area in which a single game is played and shall not exceed eight (8) players plus a dealer. The number of tables may be increased to a maximum of eight (8) upon application and approval of the city council.

(G) License Transferability: No license issued pursuant to this chapter shall be transferable or assignable.

(H) Inspection: All card rooms shall be open to police inspection during all hours of operation.

(I) Loans Prohibited: No card room licensee, nor any persons required to disclose information under this chapter, shall loan money or any other thing of value or representing value to any player at any game in a card room.

(J) Notification Of Terminated Employees: Every card room licensee shall notify the chief of police within two (2) working days after any employee is terminated for any reason.

(K) No card room licensee, nor any person employed in a card room, shall play any game in the card room, whether off duty or not, and without regard to whether such person is employed, staked, or financed by a card room licensee or any person required to disclose financial information under this chapter, unless wearing suitable identification readily identifiable and observable by all the players designating said person by name as a house player.

(L) Incentives Prohibited: No card room licensee shall furnish any gratuity or incentive to any player in a card room, or to any person, as an inducement to play or to continue playing. Such incentives or gratuities include, but are not limited to, alcoholic beverages, food, coffee, chips, or any other thing of value. The term "incentive or gratuity" means without charge to the recipient, or at a price or other consideration below that normally charged by the establishment for such item.

(M) License, Number Per Person Limited: No person shall be granted more than one license to conduct a card room.

(N) Financial Disclosure: Within thirty (30) days of the effective date of this section, every card room licensee, and upon application every applicant therefor shall disclose the following information:

1. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply. The names and addresses of every person deriving a profit, or holding any position of management or control shall be disclosed.

2. A sale or transfer of any interest in a card room, which interest would be required to be reported upon application for a card room license, shall be reported to the chief of police prior to such sale or transfer. The chief of police shall investigate any person receiving any interest in a card room as a result of such sale or transfer, and if such person satisfies the requirements relating to card room license applicants, the chief of police shall give written approval to such transfer or sale. A fee as set forth in the municipal fee schedule shall be paid to the city for investigation by the chief of police necessitated by each such sale or transfer.

(O) Rules Posted: Each card room license shall post in a conspicuous place on the premises a copy of the house rules and regulations and the charges for participating in the games. (Ord. 1330, 8-23-1983)

5-8-5: LICENSE REVOCATION:

Any person operating a card room in any manner other than in compliance with the terms of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in addition to such other penalty as may be provided by law, he may have his license to operate a card room revoked by the chief of police; and any person who shall hereafter be convicted of violating any law regarding gambling or the use of intoxicating liquor upon the premises, shall have his license revoked by the chief of police. (Ord. 1330, 8-23-1983)

5-8-6: REINSTATEMENT OF LICENSE; DEPOSIT:

Any person having had his license revoked or canceled under the terms of this chapter shall thereafter be ineligible to obtain a license to operate a card room within the city, nor shall any license thereafter be granted to any other person to conduct the business at the premises where the business has been theretofore conducted, within one year after the cancellation, unless in addition to the requirements herein set forth, the applicant shall deposit with the city the sum of five hundred dollars ($500.00), in cash lawful money of the United States. The deposit shall abide the action of the city relative to the granting of the license to the applicant, and in the event a license is so granted, the deposit shall remain as security that the licensee shall not violate any law of the state, or any provision of this code in conducting said business. In the event the city shall determine at any time after a hearing had, at which the licensee shall be permitted to have counsel and introduce evidence in his behalf, that any of the laws have been violated by the licensee, the council shall have the right to declare the deposit forfeited to the city; provided, further, that conviction in any court of competent jurisdiction of the violation of any of the laws upon the premises, shall be conclusive proof of the violation. (Ord. 1330, 8-23-1983)

5-8-7: INVESTIGATION FEE:

At the time of filing with the chief of police the application for a license, the applicant shall pay a fee as set by resolution of the city council. (Ord. 1300, 5-25-1982)

Chapter 9
HOTELS

5-9-1: DEFINITION:

Every building maintained or advertised as a public lodging house or where more than six (6) rooms are provided for sleeping accommodations shall be known as a hotel. (1962 Code)

5-9-2: FIRE PROTECTION EQUIPMENT:

The fire chief, or other officer designated by the council, shall survey each hotel and specify suitable fire detecting devices or extinguishing appliances which shall be provided. (1962 Code)

5-9-3: MAINTENANCE OF EQUIPMENT:

Fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or according to any provisions of this code, shall be maintained in operative condition at all times and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required. (1962 Code)

5-9-4: INSPECTION:

It shall be the duty of the fire chief and the health officer, or other officers so designated by the council, to make periodic and regular inspections of every hotel and to make regular reports thereon to the council concerning regulations imposed by this code. (1962 Code)

5-9-5: HOTEL REGISTER:

A register shall be maintained at every hotel and each guest shall be required to register his name and home address. The date of arrival and departure shall be clearly indicated and the register shall be maintained for a period of at least one year following registration. The register shall be open for inspection to any authorized person. (1962 Code)

Chapter 10
POOL AND BILLIARD HALLS

5-10-1: LICENSE REQUIRED:

It shall be unlawful for any person to operate, maintain or conduct a billiard or pool table open to the public without having first obtained a license and paid the fee therefor as provided in section 5-1-11 of this title. All applications for license shall state thereon the intended location of the place of business and the number of tables to be used therein. (1962 Code)

Chapter 11
AUCTIONS

5-11-1: LICENSE:

Any person desiring a license to sell at auction the stock of merchandise or any part thereof of any business which has been duly licensed by the city as provided in chapter 1 of this title, shall immediately prior to the filing of the application for an auction license, pay a license fee for such sale of five dollars ($5.00) per day. (1962 Code)

5-11-2: SURETY BOND:

Any person desiring a license under the provisions of this chapter, before receiving the license, shall furnish a surety bond in the principal sum of five thousand dollars ($5,000.00) conditioned:

(A) Upon the observance by the applicant of all the provisions of this chapter relating to auction sales.

(B) Upon the truth of all representations made in connection with the application for the license.

(C) Upon the truth of all of the representations made in the course of any auction sale.

(D) As a guarantee that the purchase price of any article purchased at such sale will be returned to any purchaser upon the proof that any false or misleading statement or representation has been made concerning any personal property sold or offered for sale at any auction sale in the auction place of business.

The bond by its terms shall be made to inure to the benefit of any person injured or aggrieved as a result of the sale or any purchase made thereat, and shall provide that the aggrieved person shall have the right of independent action thereon for a period of sixty (60) days from and after the day upon which the purchase, act or representation was made which constitutes the basis of such action. (1962 Code)

5-11-3: FILING OF INVENTORY:

Before conducting any auction sale under any license issued hereunder, the licensee must file with the clerk and chief of police a full, true and correct inventory of all items of personal property to be offered for sale at the auction. The application must specify, also, the days upon which the sale is to be conducted; provided, however, that no license may be issued for a period of more than thirty (30) consecutive days. The clerk and the chief of police, either personally or through their representatives, shall have the right to be present as official observers, representing the city, at any such auction sale, for the purpose of seeing that no personal property is sold thereat except such as is included in the inventory so filed; and they shall have the power to prevent the sale of any item not included in the inventory. (1962 Code)

5-11-4: WARRANTY OF REPRESENTATION:

The licensee at any auction by offering any merchandise or personal property for sale thereat, shall thereby warrant that all representations made with reference to the merchandise or personal property in the course of the sale are true and correct. (1962 Code)

5-11-5: FALSE BIDDING PROHIBITED:

It shall be unlawful for any person to make or offer a false bid or any other bona fide bid at a public

auction or to act as a by-bidder or what is commonly known as a "sapper", "booster" or "shiller" or falsely to pretend to buy any object at an auction sale. (1962 Code)

5-11-6: LABELING OF MERCHANDISE:

Each item offered for sale at auction shall have a card or label attached thereto containing a true and correct statement specifying the kind and quality of the item, and the tag shall accompany and be delivered with each item sold at the time of delivery thereof to the purchaser, and it shall be deemed prima facie evidence of intent to defraud in case the statement is not a true and correct description or representation of the article sold. (1962 Code)

5-11-7: MANNER OF SOLICITATION:

It shall be unlawful for any auctioneer, or any corporation conducting an auction sale, to solicit by music, singing or loud or unusual noises to be made or done for the purpose of attracting the public to the auction sale. (1962 Code)

5-11-8: HOURS LIMITED:

It shall be unlawful for any person to conduct any auction sale between the hours of six o'clock (6:00) P.M. of any day and eight o'clock (8:00) A.M. of the following day. (1962 Code)

5-11-9: ADDITIONS TO STOCK PROHIBITED:

No additions of any item shall be made to the stock set forth in the inventory before or during any auction sale licensed hereunder. (1962 Code)

Chapter 12
SELF-SERVICE LAUNDRIES

5-12-1: DEFINITION:

The term "self-service laundries" as used in this chapter shall mean any establishment in which coin operated facilities are available for washing clothes or for drying clothes, or both, and which is open and available to the general public for use. (1962 Code)

5-12-2: LICENSE REQUIRED:

It shall be unlawful for any person to establish or operate a self-service laundry in the city without first having secured a license therefor from the clerk. Applications for license shall comply with the general provisions relating to applications for licenses found in chapter 1 of this title. (1962 Code)

5-12-3: HOURS OF OPERATION:

It shall be unlawful to keep any such establishment open for business between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. unless there is an adult attendant in charge of the premises during those hours. (1962 Code)

5-12-4: INSTALLATION OF EQUIPMENT:

Installation of all equipment in the establishment shall be in conformity with the building, plumbing and electrical regulations established by this code. (1962 Code)

5-12-5: ENFORCEMENT:

It shall be the duty of the chief of police and the building inspector to see to the enforcement of this chapter and to cause such inspection to be made of the premises as may be necessary for that purpose. (1962 Code)

Chapter 13
AUTOMATIC DRY CLEANING MACHINES

5-13-1: DEFINITION:

The term "automatic dry cleaning machine" as used in this chapter shall mean any device or apparatus for the cleaning of clothes or fabrics, and designed to be used or operated by the general public, which machine makes use of or contains perchlorethylene or any other chemical solvent or substance which may cause harm to human beings by reason of inhalation or contact. (1962 Code)

5-13-2: COMPLIANCE REQUIRED:

It shall be unlawful for any person to install, operate or maintain any automatic dry cleaning machine except in compliance with the provisions of this chapter. (1962 Code)

5-13-3: LICENSE REQUIRED:

It shall be unlawful to install any automatic dry cleaning machine for use by the public without first securing a license therefor. The annual fee for the license shall be twenty five dollars ($25.00) plus five dollars ($5.00) for each unit in addition to five (5), maintained in any one establishment. (1962 Code)

5-13-4: INSTALLATION REGULATIONS:

(A) Machine Ventilation: Each machine shall be completely enclosed by a cabinet and shall be vented with intake at the top and the outlet at or near the bottom of the machine. Groups of machines may be entirely enclosed or supported on all open sides by an enclosure topped with a hood vented as provided for each individual machine.

(B) Exhaust System: The exhaust system must maintain a minimum flow of one hundred (100) cubic feet per minute face velocity through the loading door whenever the door is open.

(C) Discharge Stack: The discharge stack for the machines and for the room in which the machines are located shall extend at least two feet (2') above the level of any window which can be opened located within fifty feet (50') of the outlet of the stack, and shall be at least fifty feet (50') away from any fresh air intake leading to any premises.

(D) Loading Door: The machines must be so constructed as to prevent the loading door from being opened during the normal cycle of operation. Each machine shall be equipped with a transparent door or part to allow visual examination of the status of the cleaning cycle.

(E) Water Supply Connection: Any connection of the machine with the water supply system must be equipped with an air gap or vacuum breaker in the line upstream from the condenser; with no control valves downstream from such gap or breaker. Wastewater shall be discharged through an air gap.

(F) Room Ventilation: The room in which the machine is installed shall be ventilated so that there shall be a minimum flow of air per machine from the area to which the public is admitted, of at least five hundred (500) cubic feet per machine per minute in a room where there are no more than three (3) machines installed; four hundred (400) cubic feet per minute where there are no more than eight (8) machines installed; three hundred seventy five (375) cubic feet per minute where there are no more than sixteen (16) machines installed; and three hundred sixty (360) cubic feet per minute where there are more than seventeen (17) machines installed. For this purpose each cleaning cell shall be considered as one machine.

(G) Leakage Prevention: Each machine must be so designed and constructed as to prevent the leakage of liquids, gas or vapors. (1962 Code)

5-13-5: OPERATION REGULATIONS:

No automatic dry cleaning machine shall be operated unless all the equipment described in the foregoing section is properly installed and in good operating condition.

No establishment for which a license is required under this chapter shall be open for business, and it shall be un lawful to admit the public into the room where the machines are located unless there is on duty in the establishment at all times a competent person in charge. There shall be warning signs posted in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapor occurs. It shall be unlawful to permit any residue containing solvent to flow into the sewer system of the city; tightly covered metal containers may be used for temporary storage of such waste outside the building. Such containers shall bear labels indicating the contents and dangers involved in handling, and shall be locked if in an unenclosed place.

At least one legible sign shall be maintained in a place available to customers giving the name, address and phone number of the owner of the establishment, and of the service department or agency responsible for the proper maintenance of the machines. (1962 Code)

5-13-6: INSPECTIONS:

It shall be the duty of the chief of police or the building inspector to cause such inspections to be made as are necessary to see to the enforcement of the provisions of this chapter. (1962 Code)

Chapter 14
REBOUND TUMBLING CENTERS

5-14-1: DEFINITION:

As used in this chapter the following terms shall have the meaning herein prescribed:

REBOUND TUMBLING CENTER: A place where rebound tumbling equipment is provided and maintained for public use.

REBOUND TUMBLING EQUIPMENT: A fabric bed or surface designed to provide resilience by virtue of its own elasticity or that provided by an elastic or spring suspension system or both, within a stable and tested frame and intended to be used for jumping, bouncing, or acrobatic tumbling. (1962 Code)

5-14-2: FEE:

Every person exhibiting, showing or operating a rebound tumbling center, and charging a fee for the same, shall procure a license and pay an annual fee of fifteen dollars ($15.00). (1962 Code)

5-14-3: LIABILITY INSURANCE:

The operator of a rebound tumbling center shall procure and at all times maintain in full force and effect a policy of liability insurance for each rebound tumbling equipment insuring him against liability from personal injury with limits of not less than:

(A) Fifty thousand dollars ($50,000.00) for any one occurrence.

(B) Twenty five thousand dollars ($25,000.00) for any one person, per occurrence.

The operator shall file a true copy of his insurance policy with the clerk. (1962 Code)

5-14-4: CONDITION OF EQUIPMENT:

Rebound tumbling equipment shall be maintained in a good state of repair and equipment which has broken springs or broken webbing shall not be used. The licensee shall take precautionary measures to prevent broken springs from disengaging from the assembly. (1962 Code)

5-14-5: RULES AND REGULATIONS:

The licensee shall enforce, and all customers using rebound tumbling equipment shall observe and obey the following rules and regulations which shall be printed in clear, easily read letters not less than one inch (1") in size, and posted in one or more conspicuous and well lighted locations within the tumbling equipment center:

(A) Not over one person on the apparatus at a time.

(B) No flips, twists, or similar difficult routines unless under the immediate supervision of a qualified instructor, or until qualified as demonstrated by an officially acceptable certificate or as determined by the operator. In case of dispute with a patron, the operators ruling shall be final.

(C) No use of equipment in street shoes or in bare feet.

(D) All patrons shall strictly and promptly comply with requests or requirements of the operator.

(E) No use while under the influence of any alcoholic beverage or when not in condition to safely use the equipment, as determined by the operator.

(F) No jumping from apparatus to apparatus or to any point outside the frame of the apparatus.

(G) No actions allowed which will or may seriously distract or interfere with a performer.

(H) No children under six (6) years of age shall be allowed to use the equipment unless accompanied by a responsible person.

(I) No smoking, eating, or drinking while using the equipment. (1962 Code)

5-14-6: SUPERVISION:

(A) A rebound tumbling center, whenever open for use, shall be under the direct supervision of as many supervisors as are necessary to comply with the posted rules.

(B) The supervisor shall be observing all equipment units whenever they are in use.

(C) Each unit shall be numbered or otherwise clearly designated.

(D) A suitable loudspeaker system shall be maintained to enforce rules except where there are less than eight (8) units.

(E) There shall be at least one supervisor on active supervising duty for each twelve (12) units or fractional part which are in use. (1962 Code)

5-14-7: QUALIFICATIONS OF SUPERVISORS:

A rebound tumbling supervisor shall be:

(A) Eighteen (18) years of age or over.

(B) Of good moral character.

(C) Trained and experienced in the supervision and control of personnel, both skilled and unskilled, in the art of rebound tumbling.

(D) Physically and otherwise fully fit to manage the facility. (1962 Code)

5-14-8: HANDLING AND REPORTING OF ACCIDENTS:

The operator of a rebound tumbling center shall:

(A) Direct to competent care for handling and disposition of all accidents and injuries.

(B) Report to the health officer all accidents of a nature to cause unconsciousness, broken or sprained extremities or bones, removal, breaking or loosening of teeth, hemorrhaging or lacerations which may require suturing, and eye injuries.

(C) Maintain on the premises records of all medical aid or care administered.

(D) Keep, in a place readily available at all times to himself and his employees, the telephone number of available emergency service. (1962 Code)

5-14-9: TELEPHONE:

The operator of a rebound tumbling center shall maintain on the premises a telephone which shall be

available for emergency at all times during which the rebound tumbling center is in operation. (1962 Code)

5-14-10: FIRST AID EQUIPMENT:

The operator of a rebound tumbling center at all times shall maintain on the premises and replenish as necessary an adequate first aid kit of at least sixteen (16) units, as recommended by the American Red Cross "First Aid Manual". (1962 Code)

5-14-11: SANITATION:

The operator of a rebound tumbling center shall keep the premises and all facilities in a clean condition. He shall provide, as needed to prevent litter, waste containers and appropriate signs.

The operator of a rebound tumbling center shall provide on the premises drinking facilities which shall consist of either a sanitary drinking fountain or bottled water and paper cups available in a suitable, sanitary dispenser. (1962 Code)

5-14-12: LAYOUT OF REBOUND TUMBLING EQUIPMENT:

(A) Rebound tumbling equipment shall be located on a level surface in such a way as to be within view of the operator or attendant at all times.

(B) The spacing of equipment units shall conform to the following minimum dimensions as measured from the inside edge of the frame:

1. Three feet (3') between sides of units.

2. Four feet (4') between ends of units.

3. Five feet (5') from ends of nearest fence, building, other similar construction.

4. Three feet (3') from sides or corners to nearest fence, building, or other similar construction.

(C) The area surrounding the rebound tumbling equipment shall be surfaced to prevent a dust nuisance and have a reasonably level surface of pea gravel or equivalent type of material from a safety and dust control standpoint.

(D) The entire rebound tumbling center shall be completely enclosed by fencing not less than five feet (5') in height. (1962 Code)

5-14-13: CONSTRUCTION OF PITS:

(A) Pits for rebound tumbling centers shall be so constructed that they will not interfere with the operation of the equipment and of a depth not less than three feet (3') nor more than four feet (4') at

centers.

(B) Such pits shall be so framed that the rebound tumbling equipment is held in a level position and is supported on a solid stable surface. Lumber used as framing for pits shall be not less than two inches (2") in thickness and shall be securely connected together. (1962 Code)

5-14-14: USE OF PADDING:

The frames of rebound tumbling equipment shall be completely padded to provide reasonable safety. Pads two inches (2") thick filled with cotton linters shall be deemed to meet this requirement. (1962 Code)

5-14-15: INSPECTION:

The building inspector shall inspect annually every rebound tumbling center. (1962 Code)

Chapter 15
RESTAURANTS AND VENDING MACHINES

5-15-1: PURPOSE AND AUTHORITY:

This chapter is enacted for the purpose of licensing restaurants, itinerant restaurants, food vehicles and vending machines to facilitate enforcement of the California restaurant act[1], pursuant to the authority conferred by section 28693 of said act. (Ord. 885, 1-17-1963)

5-15-2: DEFINITIONS:

The terms defined in article I of the California restaurant act shall have the same meaning when used in this chapter as they are defined in said act, except as otherwise expressly provided herein.

"Temporary food stands" means any food establishment operating for less than ten (10) days, but does not include a restaurant, itinerant restaurant, or vending machine, but includes those food establishments at fairs, carnivals, and other public events of a temporary occupancy. (Ord. 885, 1-17-1963)

5-15-3: OPERATION WITHOUT PERMIT UNLAWFUL[2]:

Any person, firm or corporation who operates any restaurant, itinerant restaurant, vehicle upon which food or beverage is displayed, sold or offered for sale at retail or given away to the public, or maintains or services any vending machine, as these terms are defined in the California restaurant act, without a valid unexpired and unrevoked permit therefor, issued by the El Dorado County health department, within the city, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to

exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment. (Ord. 885, 1-17-1963)

5-15-4: APPLICATION FOR PERMIT:

Any person desiring to secure a permit required by this chapter shall file an application therefor at the office of the city clerk, in such form as shall be required. The application shall state the name and address of the person who will operate the business for which the permit is sought, the name and address of the owner of the property on which such business is to be conducted, the nature of the business or operation for which the permit is sought, and such other information as the health department may require. (Ord. 885, 1-17-1963)

5-15-5: PERMIT FEE:

No permit required by this chapter shall be issued unless and until the fee set forth in the following schedule has been paid therefor to the city clerk:

Each restaurant (over 100 seats)	$25.00
Each restaurant (100 seats or less)	12.00
Each itinerant restaurant	12.00
Each vehicle	12.00
Temporary food stand	2.00
Each vending machine (per machine)	0.50

Upon the issuance of a new permit after revocation of a prior permit, or after a transfer of the business, a new permit fee shall be charged and no refund shall be paid on the prior permit. (Ord. 885, 1-17-1963)

5-15-6: PREREQUISITES TO GRANTING PERMIT:

No permit required by this chapter shall be issued unless and until:

(A) An application has been filed therefor.

(B) The permit fee has been paid in full.

(C) An inspection of the restaurant, itinerant restaurant, vehicle vending machine or temporary food stand, as the case may be, has been made by the El Dorado County health department within one year preceding the issuance of said permit and found to comply with the requirements of the California restaurant act.

No permit shall be issued for a new restaurant for which a building permit was required after November 1, 1963, unless the county health department has approved the application for such building permit for compliance with the California restaurant act. (Ord. 885, 1-17-1963)

5-15-7: PERMIT TERMS:

The permit shall be issued on a form prepared by the health department and shall specify that it shall expire one year after the date of the issue unless sooner revoked, except that temporary food stand permits shall specify the days (not to exceed 10 days) for which it shall be valid unless sooner revoked. Every permit shall state on its face that it may be revoked by written order of the county health officer for any violation of the California restaurant act delivered to the person operating the business or any of his employees. (Ord. 885, 1-17-1963)

5-15-8: REVOCATION OF PERMIT:

In addition to any action authorized by the California restaurant act, the county health officer may revoke the permit issued for any restaurant, itinerant restaurant, vehicle, or vending machine for any violation of the California restaurant act found after his personal inspection of the premises. Any such revocation shall be in the form of a written order dated and signed by the health officer specifying the violations of the restaurant act upon which it is based, posted in a conspicuous place on the premises. The revocation of a permit shall become effective immediately upon posting of the notice of revocation and shall remain in effect until the adjournment of the first regular meeting of city council, at which time such revocation shall expire, unless the revocation has been confirmed by the city council, after hearing thereon, or the city council has continued the revocation in effect by order entered in its minutes, pending further hearings thereon. The health officer shall appear at such hearing of the city council and present evidence and recommendations upon the confirmation of the revocation, and any person aggrieved thereby may appear and present evidence thereon. The notice of revocation shall state the time and the place where the city council will meet for the first hearing upon confirmation, of the revocation and that any party aggrieved by the revocation may appear at said hearing and present evidence thereon. If the revocation of the permit is confirmed by the city council, the restaurant, itinerant restaurant, vehicle or vending machine shall not be operated until a new permit has been issued therefor. If the revocation is not referred to the city council, at the meeting specified above, or the city council, after hearing, refuses to confirm the revocation, the revocation shall expire on adjournment of such meeting of the council, and the original restaurant license issued shall remain in effect. The decision of the city council, made after hearing upon the confirmation of the revocation order shall be final. (Ord. 885, 1-17-1963)

5-15-9: PERMITS NOT TRANSFERABLE:

Permits issued pursuant to this chapter may not be transferred and shall automatically expire upon the transfer of the business by the person holding such permit. Upon such transfer, the person acquiring the restaurant, itinerant restaurant, vehicle or vending machine, shall not operate the same unless and until a new permit has been issued therefor by the El Dorado County health department. (Ord. 885, 1-17-1963)

5-15-10: COMPLIANCE WITH HEALTH AND ZONING REGULATIONS:

No building permit shall be issued for any building for which a private sewage disposal system must be installed, altered or added to, unless and until the building inspector is satisfied that a sanitation permit has been issued therefor by the El Dorado County health officer or his authorized representative. No building permit shall be issued unless and until the building inspector is satisfied that the construction authorized by the permit will not violate any existing zoning ordinance. No building permit shall be issued for any restaurant unless and until the county health department has approved the application therefor for compliance with the California restaurant act. (Ord. 885, 1-17-1963)

Chapter 16
TRANSIENT OCCUPANCY TAX

5-16-1: TITLE:

This chapter shall be known as the *UNIFORM TRANSIENT OCCUPANCY TAX ORDINANCE* of the city. (Ord. 951, 7-26-1966)

5-16-2: DEFINITIONS:

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

HOTEL: Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

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

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

RENT: 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: 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 periods of time extending both prior and subsequent to the effective date of this chapter may be considered. (Ord. 951, 7-26-1966)

5-16-3: TAX IMPOSED:

For the privilege of occupancy in any hotel each transient is subject to and shall pay a tax in the amount of ten percent (10%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the clerk may require that such tax shall be paid directly to the clerk. (Ord. 1492, 6-23-1992)

5-16-4: OPERATOR'S DUTIES:

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided. (Ord. 951, 7-26-1966)

5-16-5: REGISTRATION:

Within fifteen (15) 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 said hotel with the city clerk and obtain from him a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

(A) The name of the operator;

(B) The address of the hotel;

(C) The date upon which the certificate was issued;

(D) This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the uniform transient occupancy tax ordinance by registering with the city clerk for the purpose of collecting from transients the transient occupancy tax and remitting said tax to the city clerk. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in any unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including, but not limited to, those requiring a permit

from any board commission, department or office of this city. This certificate does not constitute a permit. (Ord. 951, 7-26-1966)

5-16-6: REPORTING AND REMITTING:

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 clerk, make a return to the city clerk, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the city clerk. The city clerk may establish shorter reporting periods for any certificate holder if he deems it necessary in order to ensure collection of the tax and he 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. (Ord. 951, 7-26-1966)

5-16-7: PENALTIES AND INTEREST:

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

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

(C) Fraud: If the city clerk determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty five percent (25%) 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) Interest: In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent (0.5%) 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. (Ord. 951, 7-26-1966)

5-16-8: FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY CITY CLERK:

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the city clerk shall proceed in such manner as he may deem best to obtain facts and information on which to

base his estimate of the tax due. As soon as the city clerk shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the city clerk shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the city clerk for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the city clerk shall become final and conclusive and immediately due and payable. If such application is made, the city clerk shall give not less than five (5) days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the city clerk shall determine the proper tax to be remitted and shall thereafter give written notice to and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in section 5-16-9 of this chapter. (Ord. 951, 7-26-1966)

5-16-9: APPEAL:

Any operator aggrieved by any decision of the city clerk with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice of appeal with the city clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of address. The findings of the council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Ord. 951, 7-26-1966)

5-16-10: RECORDS:

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection and the payment to the city, which records the city clerk shall have the right to inspect at all reasonable times. (Ord. 951, 7-26-1966)

5-16-11: REFUNDS:

(A) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in subsections (B) and (C) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the city clerk within three (3) 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; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

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

(D) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto. (Ord. 951, 7-26-1966)

5-16-12: ACTIONS TO COLLECT:

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount and shall be liable to the city for reasonable attorney fees incurred by the city in such an action. (Ord. 1524, 5-23-1995)

5-16-13: EFFECTIVE DATE:

This chapter inasmuch as it provided for a tax levy for the usual and current expenses of the city shall take effect immediately except that the tax imposed by this chapter shall become operative and be imposed on June 1, 1965, and shall not apply prior to said date. (Ord. 951, 7-26-1966)

Chapter 17
REAL PROPERTY TRANSFER TAX

5-17-1: TITLE:

This chapter shall be known as the real property transfer tax ordinance of the city. It is adopted pursuant to the authority contained in part 6.7 (commencing with section 11901) of division 2 of the Revenue and Taxation Code of the state of California. (Ord. 974, 12-12-1967)

5-17-2: TAX IMPOSED:

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to, or vested in,

the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars ($100.00), a tax at the rate of twenty seven and one-half cents ($0.275) for each five hundred dollars ($500.00) or fractional part thereof. (Ord. 974, 12-12-1967)

5-17-3: PAYMENT:

Any tax imposed pursuant to section 5-17-2 of this chapter shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Ord. 974, 12-12-1967)

5-17-4: CLARIFICATION:

Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Ord. 974, 12-12-1967)

5-17-5: EXCEPTIONS:

The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor. (Ord. 974, 12-12-1967)

5-17-6: EXEMPTIONS:

(A) Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the federal bankruptcy act, as amended;

2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of section 205 of the title 11 of the United States code, as amended;

3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of section 506 of title 11 of the United States code, as amended; or

4. Whereby a mere change in identity, form or place of organization is effected.

Subsections (A)1 to (A)4, inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

(B) Any tax imposed pursuant to this chapter shall not apply to the making or delivery of conveyances to make effective any order of the securities and exchange commission, as defined in subdivision (a) of section 1083 of the internal revenue code of 1954; but only if:

1. The order of the securities and exchange commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of section 79k of title 15 of the United States Code, relating to the public utility holding company act of 1935;

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

3. Such conveyance is made in obedience to such order. (Ord. 974, 12-12-1967)

5-17-7: PARTNERSHIPS:

(A) In the case of any realty held by a partnership no levy shall be imposed pursuant to this chapter by reason of any transfer to an interest in a partnership or otherwise, if:

1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of section 708 of the internal revenue code of 1954; and

2. Such continuing partnership continues to hold the realty concerned.

(B) If there is a termination of any partnership within the meaning of section 708 of the internal revenue code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

(C) Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection (B) of this section, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Ord. 974, 12-12-1967)

Chapter 18
PUBLIC DANCES

5-18-1: PERMIT REQUIRED:

No dance may be held in the city in which minors not accompanied by a parent or guardian are allowed to attend, without the sponsor of the dance first having obtained a dance permit from the city police department of the city. (Ord. 998, 1-12-1971)

5-18-2: REGULATIONS:

(A) The lighting at any dance held in the city shall be of sufficient intensity so that anybody at the dance is easily recognized.

(B) No obscene or pornographic pictures may be shown at the dance. Any motion picture which the sponsor desires to show at the dance must be given to the Placerville police department at least

two (2) days prior to the date of the dance so that the police department will have an opportunity to preview the motion picture so as to determine whether it is obscene or pornographic.

(C) No minor shall be permitted to leave the dance and return, unless the minor has obtained the permission of a member of the school faculty or other responsible adult in charge of the dance.

(D) It will be unlawful to advertise in or on any sign, pamphlet or other brochure, anything pertaining to pot, grass or anything pertaining to narcotics, or any alcoholic beverages.

(E) No loitering shall be allowed outside the place where the dance is being held or in any vehicle parked in the immediate vicinity of the dance.

(F) There will be no smoking whatsoever on the dance floor.

(G) No alcoholic beverages or narcotics will be allowed on or about the dance premises. (Ord. 998, 1-12-1971)

5-18-3: SPONSORS:

(A) The sponsors shall be required to have at least one city police officer attend the dance unless it is a public dance, in which event two (2) police officers must be in attendance.

(B) The dance sponsor shall be held financially liable for any injury to the person or uniform of any police officer in attendance at the dance in his official capacity.

(C) If any sponsor allows any drinking or fights or any disturbance of any kind, or any of the rules and regulations contained in this chapter are violated or deviated from, this will be cause to close the dance immediately and thereafter a permit will not be issued to the same group or sponsor for a period of one year.

(D) The names, addresses, telephone numbers together with a positive identification of the sponsors must be given to the police department at the time the dance permit is requested. (Ord. 998, 1-12-1971)

5-18-4: FEES:

(A) The city shall be reimbursed for actual costs of providing police security plus a handling fee as set by resolution of the city council. (Ord. 1300, 5-25-1982)

(B) In addition to the officer's fee, a city license fee of ten dollars ($10.00) per day must be paid in advance to the city clerk. This provision excludes nonprofit organizations. (Ord. 998, 1-12-1971)

5-18-5: DANCE CANCELED, POSTPONED:

If the dance is canceled or postponed for any reason, the police department must be notified forty eight (48) hours in advance. Failure to so notify the police department will result in any forfeiture of all monies paid. (Ord. 998, 1-12-1971)

5-18-6: RESTRICTIONS:

(A) Only one dance in which minors not accompanied by parents or guardians are allowed to attend may be held in the city on any one date.

(B) A dance in which minors not accompanied by parents or guardians are allowed to attend may be booked no longer than thirty (30) days in advance. The same sponsor or group may not book more than two (2) dances within any thirty (30) day period unless there is still a vacancy existing one week prior to the requested date. (Ord. 998, 1-12-1971)

5-18-7: RECEIPT FOR SERVICES:

A receipt for services rendered should be brought to the dance by the police officer assigned to duty at the dance. This shall be signed by both the police officer and the sponsor, and the police officer shall be given one copy of the receipt and the sponsor shall be given one copy of the receipt. The copy retained by the police officer shall be returned by the police officer to the city clerk. (Ord. 998, 1-12-1971)

5-18-8: APPLICABLE PROVISIONS:

The provisions of this chapter shall only apply to those dances in which minors not accompanied by their parent or guardian are allowed to attend. (Ord. 998, 1-12-1971)

Chapter 19
PARKING AND BUSINESS IMPROVEMENT AREA TAX

5-19-1: AREA ESTABLISHED:

There is hereby established, in the city, a parking and business improvement area pursuant to the provisions of the parking and business improvement area law of 1965, sections 36000 through 36081 of the Streets and Highways Code of the state. (Ord. 1106, 2-22-1977)

5-19-2: TAX IMPOSED:

The boundary of the parking and business improvement area shall be the same as the boundary of the present parking district of the city. There is hereby imposed a tax on businesses within the parking and

business improvement area, which tax shall be in addition to the general business license tax of the city. The additional levy on all businesses within the parking and business improvement area shall be the same amount as the general business license if the general business license is eighty dollars ($80.00) or less. Any business that is paying one hundred dollars ($100.00) or more for a general business license shall pay a parking and business improvement area tax of eighty dollars ($80.00) per year. (Ord. 1328, 8-9-1983, eff. 8-15-1983)

5-19-3: DISPOSITION OF REVENUE:

The revenue received pursuant to this chapter, which is in addition to the general business license tax, shall be used as designated from time to time by the city council for any of the following purposes:

(A) The acquisition, construction or maintenance of parking facilities for the benefit of the parking and business improvement area.

(B) The general promotion of business activities in the area. (Ord. 1410, 4-14-1987)

5-19-4: EXEMPTIONS:

Businesses classified as exempt businesses under the business license tax shall not be taxed pursuant to the provisions of this chapter but may make a contribution for the purposes set forth in this chapter. (Ord. 1106, 2-22-1977)

5-19-5: AUTHORITY TO CHANGE TAX:

To the extent permitted by the parking and business license law of 1965[1], the city council may change the parking taxes by resolution. (Ord. 1106, 2-22-1977)

Chapter 20
PAWNBROKERS

5-20-1: DEFINITION:

"Pawnbroker" shall include any person, firm or corporation, other than banks, trust companies or bond brokers who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a loan or pawn office or engages in or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans or as security or in pawn for the repayment of monies, and exacts an interest or any other charge for such loans. (Ord. 1114, 4-26-1977)

5-20-2: LICENSE:

Every person conducting, managing or carrying on the business of pawnbroker shall pay an investigative fee as set by resolution of the city council in addition to all other license taxes and fees required. (Ord. 1300, 5-25-1982)

5-20-3: PERMITS:

It shall be unlawful for any person to engage in, or carry on or conduct, or to permit to be carried on, engaged in or conducted, within the city of Placerville, the business of any pawnbroker, whether as a separate business or in connection with any other business, or to advertise the same by means of signs or notices on buildings or windows, or by distribution of printed circulars or by public display, or otherwise in any manner whatsoever, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of this chapter. (Ord. 1114, 4-26-1977)

5-20-4: APPLICATION FOR PERMITS:

The application for such permit shall set forth, and such permits shall set forth, the exact nature of the business to be carried on, and such application shall be accompanied by the signatures of three (3) citizens; certifying to the good moral character and reputation of the person or persons making such applications. (Ord. 1114, 4-26-1977)

5-20-5: INVESTIGATION; GROUNDS FOR DENIAL:

The application shall be filed with the chief of police and at the time of filing such application, the applicant and all persons to be directly or indirectly interested in the permit if granted, including all members of any firm or partnership, shall be fingerprinted by the police department, and if any such person shall be found to have been convicted of a felony or misdemeanor involving theft, obtaining money or property by false pretense, embezzlement, receiving stolen property or violating any provisions of this chapter or any other law regulating pawnbrokers, the application for such permit shall be denied. The investigating official to whom such application shall be referred, shall be the chief of police. In addition to the grounds set forth in this section, any permit may be revoked upon the recommendation of the chief of police establishing the fact that such permittee has, or has had, in his possession any stolen article without there having been made a record of such article as hereinafter in this chapter provided. (Ord. 1114, 4-26-1977)

5-20-6: NO PERMIT TO ALIEN OR MINOR:

No permit shall be issued for any business if the applicant therefor is under eighteen (18) years of age or an alien, nor, if the applicant is a firm, partnership or corporation, if any member of such firm or partnership is under eighteen (18) years of age or an alien, or any officer or director of such corporation is an alien. (Ord. 1114, 4-26-1977)

5-20-7: RECORD OF TRANSACTIONS:

Every person managing, maintaining or conducting the business of any pawnbroker in the city of Placerville, shall keep, or cause to be kept, at the store or place of business, a well bound book containing a record in which shall be legibly entered in the English language, in ink, at the time of every purchase, sale, exchange, pledge, pawn, or other transfer of possession of any article, or loan thereon, a description of such article received or delivered in such transaction, sufficient to identify the same, including serial number and all particular or prominent marks of identification that may be found on such property, the signature, address, age, sex and description of the person receiving, delivering, or transferring the property or who is otherwise dealt with, the amount of money paid or received in such transaction, and the rate of interest, if any, and the date and hour of the transaction. (Ord. 1114, 4-26-1977)

5-20-8: INSPECTION AND REPORTS:

The record of transactions required by the provisions contained within section 5-20-7 of this chapter, shall be open for inspection by the police department at any time during business hours, and the police department shall also have the right to thoroughly inspect the premises, store or place where the business so recorded is being conducted at any time in search of any lost or stolen property, or to compare the entries kept in such records with the article or articles located on such premises or place of business. All persons in charge of such business, and the agents and employees thereof, shall render to the police department such assistance as may be reasonably necessary to enable such inspection or search. The person in charge of such business shall each day excepting holidays furnish or cause to be furnished, to the chief of police at nine o'clock (9:00) A.M., a legible and complete copy of such record, and the chief of police shall upon receipt of such reports cause the same to be permanently filed in the offices of the police department and the same shall be open for inspection only to the police department of the city of Placerville or upon an order of the court duly made for that purpose. The original will be forwarded to the department of justice by the police department. Said reports shall be made upon forms to be furnished by the police department at cost. (Ord. 1114, 4-26-1977)

5-20-9: PURCHASE FROM MINORS AND SERVANTS:

It shall be unlawful for any person maintaining or conducting the business of any pawnbroker, secondhand jewelry dealer, secondhand dealer, or exchange dealer, or any agent or employee thereof, to purchase or take any goods or article or thing offered to him by any minor, or knowingly purchase or take any goods, article or things from any servant or apprentice without first ascertaining that such article or thing is the property of the person delivering the same, or that such servant or apprentice has the authority from the owner to deliver or sell such property. (Ord. 1114, 4-26-1977)

5-20-10: HOURS:

It shall be unlawful for any person conducting or maintaining the business of pawnbroker, secondhand jewelry dealer, or exchange dealer, or any agent or employee thereof, to keep or cause to be kept such place of business open except between the hours of seven o'clock (7:00) A.M. and eleven o'clock (11:00) P.M. (Ord. 1114, 4-26-1977)

5-20-11: PAWNBROKERS' RECEIPT BOOKS:

Every person managing, maintaining or conducting the business of a pawnbroker in the city of Placerville shall keep or cause to be kept, at the store or place of business, receipt books as hereinafter described. Such books, shall be kept in addition to the record of transactions required by section 5-20-7 of this chapter, and shall consist of duplicate sheets of white paper not less than four by seven inches (4 x 7") in size and bearing consecutive numbers. One of each of said duplicate pages shall be so perforated as to enable its removal. One of the aforesaid books shall be kept for the recording of, and the receipting for, sales, and there shall be printed at the top of the perforated sheet, in colored type, not less than three-eighths ($^3/_8$) of an inch in height, the following words: "This is a sale and not a pledge". One of the aforesaid books shall be kept for the recording of, and the receipting for, pledges, and there shall be printed at the top of the perforated sheet, in colored type, not less than three-eighths ($^3/_8$) of an inch in height, the following words: "This is a pledge and not a sale". (Ord. 1114, 4-26-1977)

5-20-12: PAWNBROKERS' CUSTOMER RECEIPTS:

It shall be unlawful for pawnbrokers to make any purchase, exchanges, pledge, pawn or other transfer of possession of any article, unless the same is recorded in one of the record and receipt books required by the provisions of section 5-20-11 of this chapter, setting forth the name and address of the pawnbroker, a description in the English language of the article involved in such transactions, the date of the sale, the name of the customer with whom such transaction is made, the rate of interest charged, if any, the term of redemption, if any, and the same shall be signed by the pawnbroker, or his agent making such transactions. The perforated sheet, which shall be the duplicate shall, after being filled out as herein provided, be delivered to the person with whom the transaction is made. The original thereof shall be kept by the pawnbroker for a period of at least two (2) years next following the date of the transaction, and shall during such time, be available at all times during business hours for inspection by the Placerville police department. Any alteration of such duplicate sheet shall constitute a misdemeanor. (Ord. 1114, 4-26-1977)

5-20-13: CHANGE IN CIRCUMSTANCES; TRANSFERABILITY:

Notification of any change in circumstances or information given in the application for a pawnbroker's permit shall be filed with the city clerk forthwith. No change in the location of the place of business or personnel of the permittee shall be permitted without prior permission of the city of Placerville. No permit issued under the provisions of this chapter shall be transferred. (Ord. 1114, 4-26-1977)

Chapter 21
SPECIAL EVENTS

5-21-1: PERMIT REQUIRED:

No person shall engage in or participate in, aid, form or start any special event unless a permit has been obtained from the special event committee which shall consist of the chief of police, fire chief, public works superintendent and the city manager of the city of Placerville. (Ord. 1129, 10-25-1977)

5-21-2: APPLICATION FILED:

Any person seeking issuance of a special event permit shall file an application with the chief of police on a form provided by the chief of police. (Ord. 1129, 10-25-1977)

5-21-3: TIME LIMIT FOR FILING:

The application for a special event permit shall be filed with the chief of police not less than thirty (30) nor more than sixty (60) days from the date of the special event. (Ord. 1129, 10-25-1977)

5-21-4: DEFINITION:

For the purpose of this chapter, a "special event" shall be defined as any event other than a parade which is held in any parking lot of the city of Placerville or on any portion of any street in the city of Placerville. (Ord. 1129, 10-25-1977)

5-21-5: FILING FEE:

The fee to be paid for the filing of an application for a special event permit shall be set by resolution of the city council, except that there shall be no fee if the special event is for the purpose of promoting the city or for youth or charitable projects in the city. (Ord. 1300, 5-25-1982)

5-21-6: COMMUNITY INTEREST REQUIRED FOR PERMIT:

The special event committee shall only grant a permit if it finds that the event is likely to be an event that many of the residents of the city will be interested in seeing and will not unduly interfere with the parking or moving of vehicles. (Ord. 1129, 10-25-1977)

5-21-7: APPROVAL, DENIAL OF PERMIT:

The committee shall act upon an application for a special event permit within five (5) days after the filing thereof. If the committee disapproves the application, they shall mail to the applicant within five (5) days after the date upon which the application was filed a notice of its action, stating the reasons for its denial of the permit. (Ord. 1129, 10-25-1977)

5-21-8: APPEAL OF DENIAL:

Any person aggrieved shall have the right to appeal the denial of a special event permit to the city council. The appeal shall be taken within ten (10) days after notice. The city council shall act upon the appeal within twenty one (21) days after its receipt. (Ord. 1129, 10-25-1977)

5-21-9: ISSUANCE OF PERMIT, COPY TRANSMITTED:

Immediately upon the issuance of a special event permit, the special event committee shall transmit a copy thereof to the mayor and the city council. (Ord. 1129, 10-25-1977)

5-21-10: TIME AND AREA OF EVENT REQUIRED:

Each special event permit shall state the time during which the special event shall take place and the area where the special event shall take place. (Ord. 1129, 10-25-1977)

5-21-11: PERMITTEE REQUIREMENTS:

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. (Ord. 1129, 10-25-1977)

5-21-12: REVOCATION OF PERMIT:

The special event committee shall have the authority to revoke a special event permit issued hereunder if the standards for issuance as herein set forth are not complied with by the permit holder. (Ord. 1129, 10-25-1977)

Chapter 22
BINGO GAMES

5-22-1: ENACTMENT AUTHORITY:

This chapter is enacted pursuant to the authority and under the conditions of section 326.5 of the California Penal Code. (Ord. 1185, 2-13-1979)

5-22-2: CONDITIONS FOR CONDUCTING GAMES:

Organizations which are exempt from the payment of the bank and corporation tax by sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(1) of the Revenue and Taxation Code, mobilehome park associations and senior citizens' organizations may hold bingo games under the following conditions:

(A) Before an organization shall be entitled to operate a bingo game in the city, the organization must first receive a license from the city and prior to receiving a license must fill out an application which will be available at the police department and receive approval from the chief of police.

(B) It is a misdemeanor for any person to receive or pay a profit, wage or salary from any bingo game authorized by section 19 of article IV of the state constitution.

(C) A violation of subsection (B) of this section shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), which fine shall be deposited in the general fund of the city which enacted these provisions authorizing the bingo game. A violation of any provision of this section other than subsection (B) of this section is a misdemeanor.

(D) The city may bring an action to enjoin a violation of this chapter.

(E) No minors shall be allowed to participate in any bingo game.

(F) An organization authorized to conduct bingo games pursuant to subsection (A) shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subsection shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

(G) All bingo games shall be open to the public, not just to the members of the authorized organization.

(H) A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision or any other phase of such game.

(I) No individual corporation, partnership or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

(J) With respect to organizations exempt from payment of the bank and corporation tax by section 23701(d) of the Revenue and Taxation Code, 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. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds 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. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.

2. A portion of such proceeds, not to exceed ten percent (10%) of the proceeds after the deduction for prizes, or five hundred dollars ($500.00) per month, whichever is less, may be used for rental of property, overhead and administrative expenses.

(K) 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.

(L) The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars ($250.00) in cash or kind, or both, for each separate game which is held.

(M) As used in this section "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. (Ord. 1185, 2-13-1979)

Chapter 23
ADULT RELATED ESTABLISHMENTS

5-23-1: PURPOSES:

A system of requiring regulatory licenses for adult related establishments and for those persons rendering services to customers will assist in assuring illegal activities do not occur on the premises or otherwise in connection with such establishments within the city of Placerville. If criminal activity occurs on the premises, or if other provisions of this chapter are violated, the licenses are subject to revocation. Criminal liability also exists for a violation of this chapter. These provisions will provide the chief of police with both preventative and investigatory tools to control illegal activity in such establishments, and will promote and protect the public health, safety and welfare.

By the definition of "adult related establishment" contained in section 5-23-2 of this chapter it is the intent of the city council to prevent evasion of the provisions of this chapter through the device of calling the establishment by a new or different name. If specified sexual activities are involved, or if specified anatomical areas are displayed, this chapter is intended to apply to both the premises and the individuals who provide such services to the patrons, regardless of the individual's title or position, or of the name given to the establishment.

This chapter is enacted in part, pursuant to the provisions of section 51034 of the Government Code. (Ord. 1407, 11-25-1986)

5-23-2: DEFINITIONS:

As used in this chapter, the terms identified by this section shall be ascribed the meanings indicated.

ADULT BOOKSTORE: An establishment whose primary business is to offer for sale any one or more of the following:

(A) Books, magazines, periodicals, or other printed matter, or photographs, films, motion picture, videocassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "sexual activities" or "specified anatomical areas", or

(B) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities". This definition does not include a bona fide pharmacy.

ADULT HOTEL OR MOTEL: A hotel or motel or similar establishment offering public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT MOTION PICTURE THEATER: An establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown and in which any portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT RELATED ESTABLISHMENT: A bathhouse, escort bureau, introductory service, massage establishment, outcall massage service, modeling studio or sexual encounter center, as defined by this chapter. "Adult related establishment" shall also include adult arcade, adult bookstore, adult motion picture theater, adult hotel or motel, adult theater or cabaret or any other business or establishment which has available or offers any patron, for pecuniary compensation, consideration, hire or reward, services or entertainment or activities which involve the display of "specified anatomical areas", or in which "specified sexual activity" occurs.

ADULT THEATER: A theater, concert hall, auditorium or similar establishment which, for any form of consideration features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

BATHHOUSE: An establishment whose primary business is to provide, for pecuniary compensation, consideration, hire or reward, access to any kind of bath facility, including, but not limited to, showers, saunas and hot tubs.

CABARET: An establishment that serves food and/or alcoholic beverages and features live entertainment depicting "specified sexual activities" or "specified anatomical areas".

ESCORT SERVICES: In relation to escort services, the following terms shall be ascribed the following meanings:

Escort: A person who, for pecuniary compensation, consideration, hire or reward, either escorts or accompanies others to or about social affairs, entertainment or places of amusement, or keeps company with others about any place of public resort or within any private quarters.

Escort Bureau: An establishment which, for pecuniary compensation, consideration, hire or reward, furnishes or offers to furnish escorts.

INTRODUCTORY SERVICE: An establishment which, for pecuniary compensation, consideration, hire or reward helps persons to meet or become acquainted with others for social purposes. For purposes of this section, "others" include personnel of the introductory service.

MASSAGE ESTABLISHMENT: An establishment where massage, alcoholic rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered in exchange for any form of consideration for the purpose of providing any service during which time "specified anatomical areas" are displayed or "specified sexual activity" occurs.

MASSAGE TECHNICIAN: Any person who for pecuniary compensation, consideration, hire or reward, engages in the practice of massage.

MODELING SERVICES: In relation to modeling services, the following terms shall be ascribed the

following meanings:

Figure Model: Any person who, for pecuniary compensation, consideration, hire or reward, poses to be observed, sketched, painted, drawn, sculpted, photographed or otherwise depicted.

Modeling Studio: An establishment which provides for pecuniary compensation, consideration, hire or reward, figure models who display "specific anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons who pay such consideration.

OUTCALL SERVICE ACTIVITY: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time "specified anatomical areas" are displayed or "specified sexual activity" occurs.

SEXUAL ENCOUNTER CENTER: An establishment which provides two (2) or more persons, for pecuniary compensation, consideration, hire or reward, with a place to assemble for the purpose of engaging in specified sexual activities" or displaying "specified anatomical areas". "Sexual encounter center" does not include hotels or motels.

SPECIFIED ANATOMICAL AREAS: Includes:

(A) Less than completely and opaquely covered: 1) human genitals or pubic regions; 2) buttocks; or 3) female breasts below a point immediately above the top of the areola; and

(B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Includes the following:

(A) Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical or stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship.

(B) Clearly depicted human genitals in a state of sexual stimulation, as arousal or tumescence; or

(C) Use of human or animal masturbation, sodomy, oral copulation, coitus, or ejaculation; or

(D) Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts; or

(E) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(F) Erotic or lewd touching, fondling or other contact with an animal by a human being; or

(G) Human excretion, urination, menstruation or vaginal or anal irrigation.

(H) Any of the following depicted sexually oriented acts or conduct: necrophilia, pederasty, pedophilia or zooerastia. (Ord. 1407, 11-25-1986)

5-23-3: EXEMPTIONS:

The provisions of this chapter shall not be applicable to or include the following:

(A) Hospital, nursing homes, sanitariums, or persons working in any such establishments;

(B) Any licensed or certificated medical practitioner, chiropractor, massage therapist, massage technician, acupuncturist, physical therapist or similar professional person licensed or certificated by the state of California including those persons who have completed a course of study and hold a certificate of completion from a state approved school which teaches the theory, ethics, practices, profession and work of massage;

(C) Barbers or cosmetologists lawfully carrying out their particular occupation or business, and holding a valid, unrevoked license or certificate of registration issued by the state of California;

(D) Modeling schools or classes maintained pursuant to standards established by the state board of education of the state of California; or

(E) Any recognized school of massage which: 1) teaches the theory, ethics, practice, profession and work of massage; and 2) requires a residence course of study to be given before the student is furnished with a diploma or certificate of learning or completion; and 3) has been approved pursuant to section 94311(d) of the Education Code, or, if said school is not located in California, has complied with the standards commensurate with those specified in said section 94311(d). A "recognized school of massage" as those terms are used above, shall not include a school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at class, or courses of massage technician not approved by the California state department of education. (Ord. 1407, 11-25-1986)

5-23-4: HOURS OF OPERATION:

It shall be unlawful for any adult related establishment to be operated or remain open for business between the hours of one minute after twelve o'clock (12:01) A.M. and eight o'clock (8:00) A.M. (Ord. 1407, 11-25-1986)

5-23-5: LIST OF SERVICES:

A list of the services available and the price of such services shall be posted in a clearly visible place at or near the entrance of each adult related establishment. The services available shall be described in readily understandable language. No adult related establishment shall render or provide, or offer to render or provide, any service not listed in compliance with this section. (Ord. 1407, 11-25-1986)

5-23-6: PERSONNEL REGISTERS:

Operators of adult related establishments shall maintain personnel registers, which shall be available for inspection by the chief of police at all times during regular business hours, as follows:

(A) With respect to a massage establishment and an outcall massage services, a personnel register shall be maintained containing the names and employee permit numbers of each person employed or retained to perform service as a massage technician.

(B) With respect to an escort service, a personnel register shall be maintained which includes the names and employee permit number of each person employed or retained as an escort.

(C) With respect to a model studio, a personnel register shall be maintained which includes the name and employee permit number of each person employed or retained as a figure model.

(D) With respect to any adult related establishment, other than a model studio, escort service, massage establishment or outcall massage service, a personnel register shall be maintained which includes the names of all persons employed or retained on the premises to provide services, the title of the position of each such person, and as to those persons required to possess employee permits by this chapter, their employee permit numbers. (Ord. 1407, 11-25-1986)

5-23-7: EMPLOYMENT OF MINORS:

(A) It shall be unlawful for the operator or any other person in charge of an adult related establishment to employ or retain any person who is under the age of eighteen (18) years to perform any service on the premises of the establishment.

(B) It shall be unlawful for any business owner or operator to permit a minor on the business premises to purchase, rent, handle, view or hear any material which has its primary or dominant theme matter depicting, illustrating, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this chapter. (Ord. 1407, 11-25-1986)

5-23-8: SANITATION REQUIREMENTS, MASSAGE ESTABLISHMENTS:

Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Towels, coverings and linens shall not be used on more than one patron unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one patron. Soiled linens and paper towels shall be deposited in approved receptacles.

Within massage establishments wet and dry heat rooms, steam or vapor rooms or cabinets, shower rooms and compartments, toilet rooms and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the health officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the health officer. All walls, ceilings, floors and other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Instruments for massage shall not be used on more than one patron unless they are sterilized before each use by sterilization methods approved by the health officer. (Ord. 1407, 11-25-1986)

5-23-9: SANITATION REQUIREMENTS, BATH HOUSES:

Within bath houses, towels shall not be supplied to more than one patron unless such towels have first been laundered and disinfected. Wet and dry heat rooms, steam or vapor rooms and cabinets, shower rooms and compartments, toilet rooms and pools shall be thoroughly cleaned sand disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the health

officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the health officer. All walls, ceilings, floors and other physical facilities shall be in good repair and maintained in a clean and sanitary condition. (Ord. 1407, 11-25-1986)

5-23-10: SANITATION REQUIREMENTS, MASSAGE TECHNICIANS:

While performing services in any adult related establishment, massage technicians shall wear garments which cover the entire body, exclusive of the head, neck, arms, legs, hands and feet, while giving a massage. Such garments shall not be transparent. (Ord. 1407, 11-25-1986)

5-23-11: MINIMUM QUALIFICATIONS, MASSAGE MANAGERS:

Each massage establishment and outcall massage service offering any services involving physical contact with patrons shall be managed by a person who possess a diploma or certificate of graduation from a recognized school of massage, as the terms "recognized school of massage" are defined by subsection 5-23-3(E) of this chapter. It shall be unlawful for any massage establishment or outcall massage service offering such services to operate unless managed by a person possessing a diploma or certificate.

Such an establishment and service shall not be deemed "managed" as required by this section unless a person possessing the required certificate or diploma having the authority and responsibility to supervise personnel employed or retained to perform services and to supervise the delivery of services is on the premises of the establishment not less than seventy five percent (75%) of the time the business is open for the delivery of services. (Ord. 1407, 11-25-1986)

5-23-12: MINIMUM QUALIFICATIONS, MASSAGE TECHNICIANS:

It shall be unlawful for any massage establishment and outcall service to employ or retain a person to provide services as a massage technician, and unlawful for any person to work at or for such an establishment or service, unless the person possess a diploma or certificate of graduation from a recognized school of massage, as the terms "recognized school of massage" are defined by subsection 5-23-3(E) of this chapter. (Ord. 1407, 11-25-1986)

5-23-13: LICENSES AND PERMITS:

(A) License Required: It shall be unlawful for any person to operate or conduct an adult related establishment unless under and by authority of a valid, unexpired and unrevoked business license issued pursuant to the provisions of this chapter.

(B) Display Of License: Each adult related establishment, except an outcall massage service, shall display a special business license in a conspicuous place within the establishment so that the same may be readily seen by persons entering the premises.

A person engaged in an outcall massage service who is the licensee for said service shall have the license available for inspection at all times while providing outcall massage services.

(C) Employee Permits Required: It shall be unlawful for any person to provide any of the following services without possessing a valid, unexpired and unrevoked employee permit issued by the chief of police pursuant to this chapter:

1. Act as a manager of an adult related establishment by supervising or controlling the personnel of such an establishment or the services rendered therein;

2. Give a massage for a fee or any other form of consideration;

3. Act as an escort; or

4. Act as a figure model in a modeling studio.

It shall be unlawful for the operator of any adult related establishment to employ or retain a person to perform any of the above services unless such person possesses such an employee permit.

(D) Application: An application for an employee permit to provide services identified by this chapter shall contain the following:

1. A list of each conviction of the applicant, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged and the offense of which the applicant was convicted.

2. Proof of the age of the applicant; and

3. With respect to a permit to perform services as a manager of a massage establishment or outcall massage service or as a massage technician, the name and address of each school of massage attended or provider of instructional services in massage which has been received, the name and address of the school or provider, the dates of attendance or receipt of instruction, and a copy of any certificate or diploma or other evidence of completion which the applicant has received.

(E) Issuance: Upon receipt of an application for an employee permit to act as a manager of an adult related establishment or a massage technician, an escort or a figure model, the chief of police shall conduct such investigation as is deemed necessary. The chief of police shall issue the permit unless he or she finds any of the following:

1. That the application fails to contain information required by the chief of police, the provisions of this chapter, city resolution or is otherwise incomplete;

2. That information contained in the application is false or otherwise inaccurate;

3. That the applicant has been convicted of a crime and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under California Penal Code section 1203.4; or has done any act involving dishonesty, fraud or deceit with intent to benefit him or herself, or another, or injure another; and the chief of police concludes that by reason of the crime or act the applicant would not perform his or her duties as a manager, massage technician escort or figure model in a law abiding manner or in a manner which does not subject patrons to risk or harm or criminal, deceitful or otherwise unethical practices.

Notwithstanding the foregoing, an application shall not be denied solely on the basis that a person has been convicted of a felony. If the person obtained a certificate of rehabilitation under California Penal Code section 4852.01 et seq., or that the person has been convicted of a misdemeanor if the person has met all applicable requirements of the criteria of rehabilitation

developed to evaluate the rehabilitation of a person when considering the denial of a license under California Penal Code section 482(a).

4. That the applicant is under eighteen (18) years of age; or

5. That with respect to an application for an employee permit to act as a manager of a massage establishment or outcall massage service offering services involving physical contact with patrons, or massage technician, the applicant has not graduated from a recognized school of massage, as those terms are defined by subsection 5-23-3(E) of this chapter.

   Notwithstanding any other provision in this chapter to the contrary, the chief of police may deem the requirements of subsection (E)5 of this section and section 5-23-12 of this chapter satisfied if he or she finds in writing that the applicant for the permit has attended not less than one hundred hours of instruction in massage at a school within or outside this state or in any foreign country that provides education substantially equal to or in excess of that received as a result of graduating from a recognized school of massage, as defined by subsection 5-23-3(E) of this chapter.

(F) Revocation Of Permits: An employee permit may be revoked or suspended pursuant to this section on any of the following grounds:

1. Violation of any of the duties, requirements or prohibitions contained in this chapter;

2. Violation of any of the duties, requirements or prohibitions set forth in any administrative regulations issued pursuant to chapter;

3. Misrepresentation of a material fact contained in the application for the permit; or

4. That since issuance or renewal of the permit the chief of police has acquired information supporting a finding prescribed by subsection (E) of this section in relation to the holder of the permit. (Ord. 1407, 11-25-1986)

5-23-14: PENALTY FOR VIOLATION:

Any person who operates or transacts any business not exempt from license by section 5-23-3 of this chapter in the city of Placerville without having an unrevoked and unexpired city business license therefor issued by the city clerk or who violates any provision of this title is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a term not to exceed six (6) months or by both such fine and imprisonment. Each day a business is operated in violation of this section shall be deemed a separate and distinct offense punishable as provided in this section. (Ord. 1407, 11-25-1986)

5-23-15: INSPECTION:

The chief of police is charged with the responsibility of enforcing the provisions of this chapter, and to that end may inspect any and all types of classes of businesses which by this chapter are licensed and regulated. The chief of police or subordinate personnel may enter any place of business which is subject to the provisions of this chapter for the purpose of inspection for compliance with this chapter. (Ord. 1407, 11-25-1986)

5-23-16: LICENSE PROCEDURE AND ISSUANCE:

The procedure for the application and issuance of the business license as required by the provisions of this chapter, except as provided for herein, shall be established by resolution of the city council of the city of Placerville. (Ord. 1407, 11-25-1986)

Chapter 24
DOWNTOWN BUSINESS IMPROVEMENT AREA

5-24-1: PUBLIC HEARINGS AND FINDINGS:

The recitals hereof, which set forth facts regarding the adoption of the council resolutions, the conduct of public hearings and certain findings of the city council, are true and correct and incorporated herein by reference. (Ord. 1558, 4-13-1999)

5-24-2: DEFINITIONS:

In order to distinguish between area businesses, and for the purpose of calculating and applying the amount of assessments owed, the following definitions shall apply:

FINANCIAL: Includes banking and savings and loan institutions, credit unions, etc.

LODGING: "Lodging" businesses include hotels, motels, inns, bed and breakfast establishments, RV parks, etc.

OTHER: "Other" businesses include contractor/builders, light manufacturing, production, fabrication, wholesaling, etc.

PROFESSIONAL: Includes architects, designers, attorneys, dentists, doctors, realtors, insurance agencies, mortgage brokers, counselors, etc.

RESTAURANTS: Businesses selling prepared food and drinks.

RETAIL: "Retail" businesses include businesses that buy and resell goods. Examples are clothing stores, gift shops, or office supplies, etc.

SERVICE: "Service" businesses include businesses selling nonretail goods and services. Examples are personal care salons, barbershops, repair shops, automotive oriented businesses, entertainment facilities, travel services, news and advertising media, printers, photographers, etc. (Ord. 1558, 4-13-1999)

5-24-3: ESTABLISHMENT OF BOUNDARIES:

A parking and business improvement area is hereby established pursuant to the parking and business improvement area law of 1989, Streets and Highways Code section 36500 et seq. The boundaries of the area shall be set forth on exhibit A, attached to ordinance 1558 and incorporated herein by

reference. The area shall be known as the Placerville downtown parking and business improvement area, a true and correct copy of exhibit A, setting forth the boundaries of the area, is on file with the city clerk. (Ord. 1558, 4-13-1999)

5-24-4: ESTABLISHMENT OF BENEFIT ASSESSMENT:

All businesses, trades and professions located within the area boundary shown on exhibit A shall, commencing July 1, 1999, pay an annual benefit assessment to the area in the following amounts:

Business Type	Amount
Retail/restaurant	$225.00 per year
Service	175.00 per year
Lodging	225.00 per year
Professional	175.00 per year
Financial	200.00 per year
Other	175.00 per year

(Ord. 1558, 4-13-1999)

5-24-5: PURPOSE AND USE OF BENEFIT ASSESSMENTS:

The types of improvements and activities proposed to be funded by the levy of assessment on businesses in the area are as follows:

(A) The acquisition, construction, installation or maintenance of any tangible property with an estimated useful life of five (5) years or more, including, but not limited to, the following improvements:

1. Signage at the following locations: city entrance; parking lots; parking garage graphics; and parking garage entrance.

2. Garbage cans.

3. Streetlights.

4. Tree health care.

5. Physical cleanup upon sidewalks. (Ord. 1558, 4-13-1999)

5-24-6: PROHIBITED USE OF REVENUES:

The revenue from the levy of assessments within the area shall not be used to fund improvements or activities outside the area, or for any purpose other than specified in this chapter. (Ord. 1558, 4-13-1999)

5-24-7: EXCLUSIONS FROM BENEFIT ASSESSMENTS:

No person or business shall be required to pay an assessment based on:

(A) Residential use of property within the area;

(B) A nonprofit corporation, as defined by section 501(c)(3) of the internal revenue service code, located within the area. (Ord. 1558, 4-13-1999)

5-24-8: NEW BUSINESS ASSESSMENT WAIVER:

Any new business established within the area shall not be required to pay an assessment for the billing period during which said business is initiated. The business will have been considered initiated on the date of issuance of the business license. This waiver shall not apply to an existing business that has changed ownership or location within the area. City agrees to supply the area with timely information regarding new businesses initiated within the area. (Ord. 1558, 4-13-1999)

5-24-9: COLLECTION OF BENEFIT ASSESSMENT:

The benefit assessment authorized by this chapter for Placerville businesses shall be billed and collected once each year on June 1. The area will bill and the city will collect the assessments at no charge to the area, and forward all funds collected to the area within thirty (30) days of said collections. Late payment penalties shall be applied to businesses that do not provide their respective assessment payments on the date provided for herein at a rate of ten percent (10%) per month. At such time as late payment penalties equate to fifty percent (50%) of the total assessment, action shall be taken to recover the delinquent assessment. Costs of this recovery shall be borne by the business owing the assessment and late penalties. (Ord. 1558, 4-13-1999)

5-24-10: VOLUNTARY CONTRIBUTIONS TO AREA:

Contributions to the area shall be permitted on a voluntary basis. The boundary of the area shall not be modified as a result of the contribution, nor shall contributing businesses be considered a member of the area for voting or other purposes. However, said businesses making a voluntary contribution may be entitled to participate in the programs of the area upon a finding by the city council that the area derives a benefit from said business's participation in the program. (Ord. 1558, 4-13-1999)

5-24-11: ANNUAL BUDGET PROCESS:

Pursuant to the act, an annual report shall be presented by the advisory board to the city council for review and approval prior to the beginning of any fiscal year. The purpose of this process is to comply with the act provisions regarding public notice and hearing prior to establishing the benefit assessment for the following fiscal year. The city shall adopt, modify, or otherwise amend the report in accordance with the provisions of Streets and Highways Code sections 36533, 36534 and 36535 of the act. (Ord. 1558, 4-13-1999)

5-24-12: AREA PROCEEDS DO NOT OFFSET CITY SERVICES:

The city specifically finds and declares that the funds derived from the area shall not be used to offset or diminish current maintenance, capital improvement programs, including, but not limited to, public property and sidewalk cleaning, street cleaning and maintenance, tree maintenance, restroom cleaning and maintenance. The city declares its intent to provide at least the same level and standard of maintenance and repair of the public property within the area, providing city funds are available from year to year. (Ord. 1558, 4-13-1999)

5-24-13: DISESTABLISHMENT OF THE AREA:

Proceedings to disestablish the area shall be initiated by the city council following presentation of a petition to the city council signed by business owners paying fifty percent (50%) or more of the assessments levied in the area. Proceedings to disestablish the area shall follow the procedure set forth in Streets and Highways Code section 36550. The city council shall disestablish the area if, following the public hearing prescribed in section 36550(b), written protests are not withdrawn as to reduce the protests below the fifty percent (50%) level.

In the event of disestablishment of the area, remaining revenues of the area shall be refunded to paying business owners in a pro rata manner calculated in the same manner as was used to establish the most recent assessments applied in the area. (Ord. 1558, 4-13-1999)

5-24-14: SEVERABILITY:

If any section, subsection, sentence or clause or phrase of this chapter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the validity or constitutionality of the remaining portions of this chapter, it being expressly declared that this chapter and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the facts of any one or more of the other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional. (Ord. 1558, 4-13-1999)

5-24-15: AMENDMENTS:

The businesses in the area established by this chapter shall be subject to any amendments to division 18, part 6, of the California Streets and Highways Code, parking and business improvement area law of 1989. (Ord. 1558, 4-13-1999)

5-24-16: EFFECTIVE DATE:

This chapter shall take effect upon the thirty first day after its final passage. (Ord. 1558, 4-13-1999)

Chapter 25
MEDICAL MARIJUANA[1]

(Rep. by Ord. 1693, 10-9-2018)

Chapter 26
SPECIAL TRANSACTIONS AND USE TAX FOR REPAYMENT OF WATER AND WASTEWATER DEBT REPAYMENT AND SYSTEM IMPROVEMENTS

5-26-1: TITLE:

This chapter shall be known as the *CITY OF PLACERVILLE SPECIAL TRANSACTIONS AND USE TAX ORDINANCE FOR REPAYMENT OF WATER AND WASTEWATER DEBT REPAYMENT AND SYSTEM IMPROVEMENTS.* The city of Placerville hereinafter shall be called "city". This chapter shall be applicable in the incorporated territory of the city. (Ord. 1639, 12-14-2010)

5-26-2: OPERATIVE DATE:

"Operative date" means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the adoption of this chapter, the date of such adoption being as set forth below. (Ord. 1639, 12-14-2010)

5-26-3: PURPOSE:

This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(A) To impose a retail transactions and use tax in accordance with the provisions of part 1.6 (commencing with section 7251) of division 2 of the Revenue And Taxation Code and section 7285.91 of part 1.7 of division 2 which authorizes the city to adopt this tax ordinance which shall be operative if two-thirds ($^2/_3$) of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

(B) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the sales and use tax law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in part 1.6 of division 2 of the Revenue And Taxation Code.

(C) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the state board of equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing

statutory and administrative procedures followed by the state board of equalization in administering and collecting the California state sales and use taxes.

(D) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will, to the greatest degree possible, be consistent with the provisions of part 1.6 of division 2 of the Revenue And Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this chapter. (Ord. 1639, 12-14-2010)

5-26-4: CONTRACT WITH STATE:

Prior to the operative date, the city shall contract with the state board of equalization to perform all functions incident to the administration and operation of this chapter; provided, that if the city shall not have contracted with the state board of equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract. (Ord. 1639, 12-14-2010)

5-26-5: TRANSACTIONS TAX RATE:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of one-fourth of one percent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter. (Ord. 1639, 12-14-2010)

5-26-6: PLACE OF SALE:

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out of state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the state board of equalization. (Ord. 1639, 12-14-2010)

5-26-7: USE TAX RATE:

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of one-fourth of one percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 1639, 12-14-2010)

5-26-8: ADOPTION OF PROVISIONS OF STATE LAW:

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of part 1.6 of division 2 of the Revenue And Taxation Code, all of the provisions of part 1 (commencing with section 6001) of division 2 of the Revenue And Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein. (Ord. 1639, 12-14-2010)

5-26-9: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES:

In adopting the provisions of part 1 of division 2 of the Revenue And Taxation Code:

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

1. The word "state" is used as a part of the title of the state controller, state treasurer, state board of control, state board of equalization, state treasury, or the constitution of the state of California.

2. The result of that substitution would require action to be taken by or against this city or any agency, officer, or employee thereof rather than by or against the state board of equalization, in performing the functions incident to the administration or operation of this chapter.

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

   (a) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of part 1 of division 2 of the Revenue And Taxation Code; or

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

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

(B) The word "city" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in section 6203 and in the definition of that phrase in section 6203. (Ord. 1639, 12-14-2010)

5-26-10: PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under section 6067 of the Revenue And Taxation Code, an additional transactor's permit shall not be required by this chapter. (Ord. 1639, 12-14-2010)

5-26-11: EXEMPTIONS AND EXCLUSIONS:

(A) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the state of California or by any city, city and county, or county pursuant to the Bradley-Burns uniform local sales and use tax law or the amount of any state administered transactions or use tax.

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

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

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

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

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

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

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

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

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

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

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue And Taxation Code of the state of California.

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

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

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

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

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

(D) Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to part 1.6 of division 2 of the Revenue And Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax. (Ord. 1639, 12-14-2010)

5-26-12: AMENDMENTS:

All amendments subsequent to the effective date hereof to part 1 of division 2 of the Revenue And Taxation Code relating to sales and use taxes and which are not inconsistent with part 1.6 and part 1.7 of division 2 of the Revenue And Taxation Code, and all amendments to part 1.6 and part 1.7 of division 2 of the Revenue And Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. (Ord. 1639, 12-14-2010)

5-26-13: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the city, or against any officer of the state or the city, to prevent or enjoin the collection under this chapter, or part 1.6 of division 2 of the Revenue And Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 1639, 12-14-2010)

5-26-14: EXPENDITURE PLAN:

The expenditure plan required by Revenue And Taxation Code section 7285.91(c) for the revenue from the tax approved by this chapter is the following: The city may use revenue from the tax only to repay bond and state revolving fund debt incurred for improvements to the Hangtown Creek Water Reclamation Facility and to fund water and sewer construction projects, including, but not limited to, line replacement. (Ord. 1639, 12-14-2010)

5-26-15: CITIZENS OVERSIGHT COMMITTEE:

There shall be a five (5) person committee of members of the public to review and report on the revenue and expenditure of funds from the tax adopted by this chapter. Prior to the operative date, the city council shall adopt a resolution establishing the composition of the committee and defining the scope of its responsibilities. Also prior to the operative date, the city council shall appoint at least a quorum of the members of the committee; the council shall complete the appointment of members of the committee by the end of fiscal year 2011. (Ord. 1639, 12-14-2010)

5-26-16: TERMINATION DATE:

The authority to levy the tax imposed by this chapter shall expire on the thirtieth anniversary of the last day of the calendar quarter following the operative date. (Ord. 1639, 12-14-2010)

Chapter 27
SPECIAL TRANSACTIONS AND USE TAX FOR WATER, SEWER, STORM DRAIN AND STREETS FACILITIES

5-27-1: TITLE:

This chapter shall be known as the *CITY OF PLACERVILLE SPECIAL TRANSACTIONS AND USE TAX ORDINANCE FOR WATER, SEWER, STORM DRAIN AND STREETS FACILITIES.* The city of Placerville hereinafter shall be called "city". This chapter shall be applicable in the incorporated territory of the city. (Ord. 1685, 12-13-2016)

5-27-2: OPERATIVE DATE:

"Operative date" means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the adoption of this chapter, the date of such adoption being as set forth below. (Ord. 1685, 12-13-2016)

5-27-3: PURPOSE:

This chapter is adopted to achieve the following, among other purposes, and directs that the provisions

hereof be interpreted in order to accomplish those purposes:

(A) To impose a retail transactions and use tax in accordance with the provisions of part 1.6 (commencing with section 7251) of division 2 of the Revenue And Taxation Code and section 7285.91 of part 1.7 of division 2 which authorizes the city to adopt this tax which shall be operative if a two-thirds ($^2/_3$) majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

(B) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the sales and use tax law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in part 1.6 of division 2 of the Revenue And Taxation Code.

(C) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the state board of equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the state board of equalization in administering and collecting the California state sales and use taxes.

(D) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will, to the greatest degree possible, be consistent with the provisions of part 1.6 of division 2 of the Revenue And Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this chapter. (Ord. 1685, 12-13-2016)

5-27-4: CONTRACT WITH STATE:

Prior to the operative date, the city shall contract with the state board of equalization to perform all functions incident to the administration and operation of this chapter; provided, that if the city shall not have contracted with the state board of equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract. (Ord. 1685, 12-13-2016)

5-27-5: TRANSACTIONS TAX RATE:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date hereof. (Ord. 1685, 12-13-2016)

5-27-6: PLACE OF SALE:

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out of state destination. The gross receipts

from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the state board of equalization. (Ord. 1685, 12-13-2016)

5-27-7: USE TAX RATE:

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date hereof for storage, use or other consumption in said territory at the rate of one-half of one percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 1685, 12-13-2016)

5-27-8: ADOPTION OF PROVISIONS OF STATE LAW:

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of part 1.6 of division 2 of the Revenue And Taxation Code, all of the provisions of part 1 (commencing with section 6001) of division 2 of the Revenue And Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein. (Ord. 1685, 12-13-2016)

5-27-9: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES:

In adopting the provisions of part 1 of division 2 of the Revenue And Taxation Code:

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

1. The word "state" is used as a part of the title of the state controller, state treasurer, victim compensations and government claims board, state board of equalization, state treasury, or the constitution of the state of California;

2. The result of that substitution would require action to be taken by or against this city or any agency, officer, or employee thereof rather than by or against the state board of equalization, in performing the functions incident to the administration or operation of this chapter.

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

(a) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of part 1 of division 2 of the Revenue And Taxation Code; or

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

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

(B) The word "city" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in section 6203 and in the definition of that phrase in section 6203. (Ord. 1685, 12-13-2016)

5-27-10: PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under section 6067 of the Revenue And Taxation Code, an additional transactor's permit shall not be required by this chapter. (Ord. 1685, 12-13-2016)

5-27-11: EXEMPTIONS AND EXCLUSIONS:

(A) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the state of California or by any city, city and county, or county pursuant to the Bradley-Burns uniform local sales and use tax law or the amount of any state administered transactions or use tax.

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

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

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

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

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

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

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

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

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

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

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue And Taxation Code of the state of California.

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

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

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

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

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

(D) Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to part 1.6 of division 2 of the Revenue And Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax. (Ord. 1685, 12-13-2016)

5-27-12: AMENDMENTS:

All amendments subsequent to the effective date hereof to part 1 of division 2 of the Revenue And Taxation Code relating to sales and use taxes and which are not inconsistent with part 1.6 and part 1.7 of division 2 of the Revenue And Taxation Code, and all amendments to part 1.6 and part 1.7 of division 2 of the Revenue And Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. (Ord. 1685, 12-13-2016)

5-27-13: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the city, or against any officer of the state or the city, to prevent or enjoin the collection under this chapter, or part 1.6 of division 2 of the Revenue And Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 1685, 12-13-2016)

5-27-14: CITIZENS OVERSIGHT COMMITTEE:

There shall be a five (5) person committee of members of the public to review and report on the revenue and expenditure of funds from the tax adopted by this chapter. Prior to the operative date, the city council shall adopt a resolution establishing the composition of the committee and defining the scope of its responsibilities. Also prior to the operative date, the city council shall appoint at least a quorum of the members of the committee; the council shall complete the appointment of members of the committee by the end of fiscal year 2017. (Ord. 1685, 12-13-2016)

5-27-15: EXPENDITURE PLAN:

The expenditure plan required by Revenue And Taxation Code section 7285.91(c) for the revenue from the tax approved by this chapter is the following: The city may use revenue from the tax only to pay for repair, replacement, maintenance, and improvement of water, sewer and storm drain systems, and for the repair, replacement, maintenance, and improvement of existing streets. (Ord. 1685, 12-13-2016)

5-27-16: TERMINATION DATE:

The authority to levy the tax imposed by this chapter shall expire on the twentieth anniversary of the last day of the calendar quarter following the operative date. (Ord. 1685, 12-13-2016)

Chapter 28
COMMERCIAL CANNABIS ACTIVITY

5-28-1: PURPOSE AND INTENT:

It is the purpose and intent of this chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health

care provider(s), and to provide access to adult-use for persons over the age of twenty one (21) as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act ("AUMA" or "Proposition 64" passed by California voters in 2016), while imposing sensible regulations on the use of land to protect the City's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this chapter to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Placerville and to enforce rules and regulations consistent with State law. It is the further purpose of intent of this chapter to require all commercial cannabis operators to obtain and renew annually a permit to operate within the City of Placerville. It is neither the intent nor the effect of this chapter to condone or legitimize the illegal use or consumption of cannabis under Federal, State, or local law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under State, City, or other law. (Ord. 1694, 10-9-2018)

5-28-2: LEGAL AUTHORITY:

Pursuant to sections 5 and 7 of article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter "MAUCRSA"), any subsequent State legislation and/or regulations regarding same, the City of Placerville is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Placerville to all commercial cannabis activity. (Ord. 1694, 10-9-2018)

5-28-3: CANNABIS CULTIVATION AND COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS CHAPTER:

(A) Except as specifically authorized in this chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation[1], of cannabis or cannabis product is expressly prohibited in the City of Placerville.

(B) Persons who cultivate cannabis for their sole personal use, or qualified primary caregivers who cultivate medical cannabis on behalf of their qualified patient(s) may do so in quantities authorized by State law and in accordance with all State and local regulations without submitting any application or permit. It is hereby declared to be unlawful and a public nuisance may also be deemed to exist if such activity is determined to be related to the cultivation of cannabis and produces:

1. Odors which are disturbing to people residing or present on adjacent or nearby property or areas open to the public.

2. Repeated responses to the property from law enforcement or other Code Enforcement Officers (more than 3 times in a 1-year period).

3. Repeated disruption to the free passage of persons or vehicles in the neighborhood (more than 3 times in a 1-year period) as reported to law enforcement officers or the City Code Enforcement Officer.

4. Any other impact which adversely impacts the health, safety or general welfare of people on adjacent or nearby property or areas open to the public.

(C) Nothing in this chapter shall be construed as a limitation on the City's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of cannabis plants or any part thereof from any location.

(D) All cannabis cultivation shall be subject to title 1, chapters 4, 4A and 4B of this Code (public nuisance) and the State Housing Code[2] and other applicable provisions of local and State law. (Ord. 1694, 10-9-2018)

5-28-4: COMPLIANCE WITH STATE AND LOCAL LAWS:

It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, always, operating in a manner compliant with all applicable State and local laws, and any regulations promulgated thereunder. Nothing in this chapter shall be construed as authorizing any actions that violate State law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable State and local laws, including the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), and any subsequently enacted State law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit. Nothing in this chapter shall be construed as authorizing any actions that violate State law regarding the operation of a commercial cannabis business. (Ord. 1694, 10-9-2018)

5-28-5: DEFINITIONS:

When used in this chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California Statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

A-LICENSE: Means a State license issued by the Bureau of Cannabis Regulation for cannabis or cannabis products that are intended for adults twenty one (21) years of age and over and who do not possess physician's recommendations.

A-LICENSEE: Means any person holding a license under this chapter for cannabis or cannabis products that are intended for adults twenty one (21) years of age and over and who do not possess physician's recommendations.

APPLICANT: Means an owner applying for a City license pursuant to this chapter.

BATCH: Means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

(A) "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same

time.

(B) "Manufactured cannabis batch" means either of the following:

1. An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

2. An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.

BUREAU: Means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.

CANNABIS: Means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by section 11018.5 of the Health and Safety Code.

CANNABIS ACCESSORIES: Has the same meaning as in section 11018.2 of the Health and Safety Code.

CANNABIS CONCENTRATE: Means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this definition. A cannabis concentrate is not considered food, as defined by section 109935 of the Health and Safety Code, or drug, as defined by section 109925 of the Health and Safety Code.

CANNABIS INNOVATION ZONE: Is defined as a park or campus which is one contiguous commercial area of land which has many cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.

CANNABIS PRODUCT: Means a product containing cannabis or cannabis, including, but not limited to, manufactured cannabis, intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this chapter, "cannabis" does not include industrial hemp as defined by section 81000 of the California Food and Agricultural Code or section 11018.5 of the California Health and Safety Code.

CANNABIS PRODUCTS: Has the same meaning as in section 11018.1 of the Health and Safety Code.

CANOPY: Means the designated area(s) at a licensed premises, except nurseries that will contain

mature plants at any point in time.

(A) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;

(B) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and if mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

CAREGIVER OR PRIMARY CAREGIVER: Has the same meaning as that term is defined in section 11362.7 of the California Health and Safety Code.

CHILD RESISTANT: Means designed or constructed to be significantly difficult for children under five (5) years of age to open, and not difficult for normal adults to use properly.

CITY: Means the City of Placerville, a General Law City.

COMMERCIAL CANNABIS ACTIVITY: Includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this chapter.

COMMERCIAL CANNABIS BUSINESS: Means any business or operation which engages in medicinal or adult-use commercial cannabis activity.

COMMERCIAL CANNABIS BUSINESS PERMIT: Means a regulatory permit issued by the City of Placerville pursuant to this chapter to a commercial cannabis business and is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this chapter and any regulations adopted by the City governing the commercial cannabis activity at issue.

CULTIVATION: Means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

CULTIVATION SITE: Means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

CUSTOMER: Means a natural person twenty one (21) years of age or over, or a natural person eighteen (18) years of age or older who possesses a physician's recommendation, or a medical marijuana identification card.

DAY CARE CENTER: Has the same meaning as in section 1596.76 of the Health and Safety Code.

DELIVERY: Means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

DIRECTOR: Means the Director of Consumer Affairs.

DISPENSING: Means any activity involving the retail sale of cannabis or cannabis products from a

retailer.

DISTRIBUTION: Means the procurement, sale, and transport of cannabis and cannabis products between licensees.

DISTRIBUTOR: Means a person holding a valid commercial cannabis business permit for distribution issued by the City of Placerville, and, a valid State license for distribution, required by State law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed retailer.

DRIED FLOWER: Means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

EDIBLE CANNABIS PRODUCT: Means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in division 15 (commencing with section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by section 109935 of the Health and Safety Code, or a drug, as defined by section 109925 of the Health and Safety Code.

FUND: Means the Cannabis Control Fund established pursuant to section 26210 of the Business and Professions Code.

KIND: Means applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

LABELING: Means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.

LABOR PEACE AGREEMENT: Means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the State's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under State law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

LICENSE: Means a State license issued by the State and includes both an A-license and an M-license, as well as a testing laboratory license.

LICENSEE: Means any person holding a license under this chapter, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

LICENSING AUTHORITY: Means the City of Placerville who is the agency responsible for the issuance, renewal, or reinstatement of the local license, and authorized to take disciplinary action against the licensee.

LIMITED-ACCESS AREA: Means an area in which cannabis is stored or held and is only accessible to some licensee and authorized personnel.

LIVE PLANTS: Means living cannabis flowers and plants, including seeds, immature plants, and

vegetative stage plants.

LOCAL JURISDICTION: Means a city, county or city and county.

LOT: Means a batch or a specifically identified portion of a batch.

M-LICENSE: Means a State license issued by the State for commercial cannabis activity involving medicinal cannabis.

M-LICENSEE: Means any person holding a license by the State for commercial cannabis activity involving medicinal cannabis.

MANUFACTURE: Means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

MANUFACTURED CANNABIS: Means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

MANUFACTURER: Means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.

MANUFACTURING SITE: Means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Placerville and, a valid State license as required for manufacturing of cannabis products.

MEDICINAL CANNABIS OR MEDICINAL CANNABIS PRODUCT: Means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.

MICROBUSINESS: Means the cultivation of cannabis on an area less than ten thousand (10,000) square feet, by an entity authorized to act as a licensed distributor, level 1 manufacturer, and retailer under State law, provided such licensee can demonstrate compliance with all requirements imposed by State law on licensed cultivators, distributors, level 1 manufacturers, and retailers to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of cannabis shall include the license conditions described in subdivision (b) of section 26060.1 of the Business and Professions Code.

NONVOLATILE SOLVENT: Means any solvent used in the extraction process that is not a volatile solvent. For purposes of this chapter, a nonvolatile solvent includes carbon dioxide (CO_2) used for extraction and ethanol used for extraction or post-extraction processing.

NURSERY: Means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and cultivation of cannabis.

OPERATION: Means any act for which licensure is required under the provisions of this chapter, or any commercial transfer of cannabis or cannabis products.

OWNER: Means any of the following:

(A) A person with an aggregate ownership interest of twenty percent (20%) or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(B) The manager of a nonprofit or other entity.

(C) A member of the board of directors of a nonprofit.

(D) An individual who will be participating in the direction, control, or management of the business applying for a license, or who has a financial interest in the business other than a fixed lease of real property.

PACKAGE: Means any container or receptacle used for holding cannabis or cannabis products.

PATIENT OR QUALIFIED PATIENT: Shall have the same definition as California Health and Safety Code section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health and Safety Code section 11362.5.

PERSON: Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

PERSON WITH AN IDENTIFICATION CARD: Shall have the meaning given that term by California Health and Safety Code section 11362.7.

PHYSICIAN'S RECOMMENDATION: Means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at section 11362.5 of the Health and Safety Code.

PREMISES: Means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted an M-license and an A-license for the same type of activity and such operation is lawful under State and local laws, rules and regulations.

PROCESSING: Means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products.

PURCHASER: Means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

RETAILER: Means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of Placerville authorizing the operation of a retailer, and a valid State license as required by State law to operate a retailer.

SELL, SALE, AND TO SELL: Include any transaction whereby, for any consideration, title to cannabis

or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

STATE LICENSE: Means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.

TESTING LABORATORY: Means a laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following:

(A) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State.

(B) Licensed by the bureau.

TOPICAL CANNABIS: Means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by section 109925 of the California Health and Safety Code.

TRANSPORT: Means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same. Transport does not include deliveries of cannabis or cannabis products.

UNIQUE IDENTIFIER: Means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

VOLATILE SOLVENT: Means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

YOUTH CENTER: Means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten (10) or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on City, County or State parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations. (Ord. 1694, 10-9-2018)

5-28-6: COMMERCIAL CANNABIS BUSINESS PERMIT REQUIRED TO ENGAGE IN COMMERCIAL CANNABIS BUSINESS:

(A) No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City of Placerville including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person:

1. Has a valid commercial cannabis business permit from the City of Placerville;

2. Has a valid State of California seller's permit; and

3. Is currently in compliance with all applicable State and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain any required State licenses.

(B) No permit shall be issued pursuant to this chapter for outdoor commercial cannabis cultivation, which is prohibited. It is a violation of this chapter for any person or entity to engage in any outdoor commercial cannabis cultivation of any kind.

(C) No permit shall be issued pursuant to this chapter for indoor commercial cannabis cultivation, except for that indoor commercial cultivation that is authorized as a component of a microbusiness. All other indoor cultivation of a commercial nature is prohibited. (Ord. 1694, 10-9-2018)

5-28-7: CANNABIS EMPLOYEE PERMIT REQUIRED:

(A) Any person who is an employee or who otherwise works within a commercial cannabis business must be legally authorized to do so under applicable State law.

(B) Any person who is an employee or who otherwise works within a commercial cannabis business must obtain a commercial cannabis employee work permit from the City prior to performing any work at any commercial cannabis business.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the City Manager or his/her designee(s), and shall include, but not be limited to, the following information:

1. Name, address, and phone number of the applicant;

2. Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty one (21) years of age must be submitted with the application;

3. Name, address of the commercial cannabis business where the person will be employed, and the name of the primary manager of that business;

4. A list of any crimes enumerated in California Business and Professions Code section 26057(b)(4) for which the applicant or employee has been convicted;

5. Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;

6. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the City Manager or his/her designee(s).

7. A signed statement under penalty of perjury that the information provided is true and correct.

8. If applicable, verification that the applicant is a qualified patient or primary caregiver.

9. A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) The City Manager or his/her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

1. Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code sections 186.11, 470, 484, and 504a, respectively; or

2. Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or

3. Was convicted of a violent felony, a crime of moral turpitude; or

4. The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of those types of crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: a) a conviction for any crime listed in subsection (D)4 of this section for which the applicant has obtained a certificate of rehabilitation pursuant to chapter 3.5 (commencing with section 4852.01) of title 6 of part 3 of the California Penal Code or b) a conviction that was subsequently dismissed pursuant to sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of State law allowing for dismissal of a conviction.

(E) The City Manager or his/her designee(s) shall issue the commercial cannabis work permit or a written denial to the applicant within thirty (30) days of the date the application was deemed complete. In the event the cannabis work permit cannot be issued within this time period, then the City Manager or his/her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the City Manager or his/her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the City Manager or his/her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (B) of this

section including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

(G) In the event a person changes employment from one commercial cannabis business in the City to another, the work permit holder shall notify the City Manager or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any commercial cannabis business in the City.

(H) The City may immediately revoke the commercial cannabis work permit should the permit holder be convicted of a crime listed in subsections (C) and (D) of this section or if facts become known to the City Manager or his/her designee(s) that the permit holder has engaged in activities showing that he or she is dishonest.

(I) The City Manager or his/her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis work permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial; which appeal shall be conducted as set forth in section 5-28-15 of this chapter.

(K) The City Manager or his/her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times. (Ord. 1694, 10-9-2018)

5-28-8: MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED:

The number of each type of commercial cannabis business that shall be permitted to operate in the City shall be established by resolution by the City Council.

(A) This section is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this chapter creates a mandate that the City Council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process or that the City Council upon further deliberation determines that the issuance of any or all commercial cannabis business permits will impact the public safety, welfare or other policy concerns which may be detrimental in the issuance of these permits.

(B) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of commercial cannabis business permits which are authorized for issuance. The City Council in their discretion, may determine that the number of commercial cannabis permits should stay the same, decrease or be expanded. (Ord. 1694, 10-9-2018)

5-28-9: INITIAL APPLICATION PROCEDURE:

(A) The City Manager shall adopt the procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s), which shall include or require the City Manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("review criteria"). The City Manager or his/her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the City Manager or his/her designee(s) will make a final determination in accordance with this section.

(D) The application procedure process shall include a component on community benefits. Any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City's approval. If and when an operating permit is issued, such terms and conditions shall be in addition to the requirements of this chapter. Community benefits shall primarily be an agreed-upon percentage of gross revenues of the commercial cannabis business but may also include, but not be limited to: in-kind donations; sponsorship of community events; support, financial or otherwise, for community-based organizations. Payments of any kind made to the City pursuant to the Community Benefits Agreement shall be deposited into a Community Benefits Fund, to be administered by the City Manager with the approval of the City Council. Allocations from the Community Benefits Fund shall periodically be made by the City Council at its discretion by majority vote, for the benefit of public safety, youth education, community events, community-based organizations, or for other uses benefiting the community as deemed appropriate by the Council.

(E) The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California State law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided a failure to comply with other requirements in this chapter, an application risks being rejected for any of the following reasons:

1. Proposal received after designated time and date.

2. Proposal not containing the required elements, exhibits, nor organized in the required format.

3. Proposal considered not fully responsive to this request for permit application. (Ord. 1694, 10-9-2018)

5-28-10: PERSONNEL PROHIBITED FROM HOLDING A LICENSE OR EMPLOYEE WORK PERMIT:

(A) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular in which any of the following actions or notices have been issued in non-compliance, shall be prohibited from holding a cannabis commercial license or employee work permit in the City of Placerville. In addition, the following shall be grounds for denial of a local license or employee work permit:

1. The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other State cannabis licensing authority;

2. The applicant was notified that they were conducting commercial cannabis activity in non-compliance with this chapter or other City of Placerville ordinances, codes and requirements and the applicant failed to discontinue operations in a timely manner;

3. Evidence that the applicant was in non-compliance of properly paying Federal, State or local taxes and/or fees when notified by the appropriate agencies;

4. As of October 25, 2018, applicant was conducting commercial cannabis activity in the City of Placerville in violation of local or State law.

5. No person shall be issued a commercial cannabis permit to operate who enters into an agreement to lease, sublease or any other agreement, regardless of whether it is verbally or in writing to any terms of use of the premises from a property owner, commercial broker or any third party, that is in violation of this section unless that property is leased at fair market value and such lease, sublease or agreement does not have any terms or conditions for the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the City. In addition, all leases, subleases, or other agreements must be based on a monthly rate. (Ord. 1694, 10-9-2018)

5-28-11: EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS:

Each commercial cannabis business permit issued pursuant to this chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis permits may be renewed as provided in section 5-28-13 of this chapter. (Ord. 1694, 10-9-2018)

5-28-12: REVOCATION OF PERMITS:

Commercial cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to any policy, procedure or regulation in this chapter. (Ord. 1694, 10-9-2018)

5-28-13: RENEWAL APPLICATIONS:

(A) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

(B) The renewal application shall contain all the information required for new applications.

(C) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this chapter.

(D) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:

1. The application is filed less than sixty (60) days before its expiration.

2. The commercial cannabis business permit is suspended or revoked at the time of the application.

3. The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.

4. The commercial cannabis business has failed to conform to the requirements of this chapter, or of any regulations adopted pursuant to this chapter.

5. The permittee fails or is unable to renew its State of California license.

6. If the City or State has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this chapter, of the City ordinance, or of the State rules and regulations, and the City or State has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.

(E) The City Manager or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his/her designee(s) shall be handled pursuant to sections 5-28-15 through 5-28-17 of this chapter.

(F) If a renewal application is rejected, a person may file a new application pursuant to this chapter no sooner than one year from the date of the rejection. (Ord. 1694, 10-9-2018)

5-28-14: EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION:

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Placerville. (Ord. 1694, 10-9-2018)

5-28-15: APPEALS:

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this

chapter from a decision of the City Manager or his/her designee(s), the appeal shall be conducted as prescribed in this chapter. (Ord. 1694, 10-9-2018)

5-28-16: WRITTEN REQUEST FOR APPEAL:

(A) Within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

(B) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time. (Ord. 1694, 10-9-2018)

5-28-17: APPEAL HEARING:

(A) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the City.

(B) The appeal shall be held within a reasonable time after the filing of the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

(D) The decision of the City Council shall be final. (Ord. 1694, 10-9-2018)

5-28-18: PERMITTEE SELECTION PROCESS:

(A) The City Manager shall adopt a procedure guideline and review criteria by which the top applicants in each category of each commercial cannabis business shall be evaluated in a final determination by the City Manager.

(B) At least ten (10) days prior to the public hearing, notice of the public hearing shall be sent to all property owners located within six hundred feet (600') of the proposed business locations of each of the finalists to be considered by the City Manager. The applicant shall also post a sign on the property where the proposed cannabis business is to be located. The size and location of the sign shall be determined by the Development Services Department and shall state that there is an application pending for the operation of a cannabis business on that property. The notification shall include the type of cannabis business being proposed, and contact information for the Development Services Department for more information including the date, time and location of the public hearing on the application.

(C) Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the City Manager's selection, the prevailing candidate(s) shall apply to the City's Development Services Department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The City Manager or his/her designee(s) shall formally issue the commercial cannabis business permit(s) once the Development Services Director or his/her designee(s) affirms that all of the required land use approvals have been obtained.

(D) The City Manager shall either deny or approve the final candidates and shall select the top candidates in each category of the commercial cannabis businesses. The City Manager's decision as to the selection of the prevailing candidates shall be final, pending an appeal to the City Council, if such an appeal is filed.

(E) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of twelve (12) months and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the State and local laws and regulations, including but not limited to the requirements of this chapter and of the permit, have been complied with and until a State license is available and obtained by the permitted operator as set forth in section 5-28-16 of this chapter.

(F) Notwithstanding anything in this chapter to the contrary, the City Manager reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this chapter.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the commercial cannabis business permit program created in this chapter. (Ord. 1694, 10-9-2018)

5-28-19: CHANGE IN LOCATION; UPDATED REGISTRATION FORM:

(A) Any time the dispensing, cultivation, manufacturing, transportation and distribution location specified in the regulatory permit is changed, the applicant shall re-register with the City Manager or his/her designee(s). The process and the fees for re-registration shall be the same as the process and fees set forth for registration in subsections 5-28-13(C) and 5-28-20(A) of this chapter.

(B) Within fifteen (15) calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file

an updated registration form with the City Manager or his/her designee(s) for review along with a registration amendment fee, as set forth in subsections 5-28-13(C) and 5-28-20(A) of this chapter. (Ord. 1694, 10-9-2018)

5-28-20: TRANSFER OF CANNABIS BUSINESS PERMIT:

(A) The owner of a cannabis business permit shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to the permit from the City Manager or his/her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager or his/her designee in accordance with all provisions of this chapter (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee), and the City Manager or his/her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this chapter.

(B) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or his/her designee shall be valid for a period of one year beginning on the day the City Manager or his/her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this chapter.

(C) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51 percent of the original ownership), must be approved by the City Manager or his/her designee through the transfer process contained in subsection (A) of this section. Failure to comply with this provision is grounds for permit revocation.

(D) A permittee may change the form of business entity without applying to the City Manager or his/her designee for a transfer of permit, provided that either:

1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 51 percent of the membership is identical), or

2. If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and to comply with section 5-28-6 of this chapter, provided that the board of directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

   Although a transfer is not required in these two (2) circumstances, the permit holder is required to notify the City Manager in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No commercial cannabis business permit may be transferred when the City Manager or his/her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit. (Ord. 1694, 10-9-2018)

5-28-21: CITY BUSINESS LICENSE:

Prior to commencing operations, a commercial cannabis business shall obtain a City of Placerville business license. (Ord. 1694, 10-9-2018)

5-28-22: BUILDING PERMITS AND INSPECTION:

Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the Fire Department (also known as El Dorado County Fire Protection District) approvals, Health Department approvals and other zoning and land use permit(s) and approvals. (Ord. 1694, 10-9-2018)

5-28-23: CERTIFICATION FROM THE DEVELOPMENT SERVICES DIRECTOR:

Prior to commencing operations, a commercial cannabis business must obtain a certification from the Development Services Director or his/her designee(s) certifying that the business is located on a site that meets all of the requirements of title 10 of this Code. (Ord. 1694, 10-9-2018)

5-28-24: RIGHT TO OCCUPY AND TO USE PROPERTY:

As a condition precedent to the City's issuance of a commercial cannabis business permit pursuant to this chapter, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this chapter and consents to the operation of the commercial cannabis business on the owner's property. (Ord. 1694, 10-9-2018)

5-28-25: LOCATION AND DESIGN OF CANNABIS BUSINESSES:

Cannabis businesses permitted to engage in retail storefront, retail non-storefront, microbusiness, microbusiness-cultivation, microbusiness-distribution, microbusiness-manufacturing, testing labs, for cannabis and cannabis products (collectively referred to in this section as "cannabis businesses") shall only be operated within Heavy Commercial (HC), Commercial (C), Highway Commercial (HWC), Central Business District (CBD) and Industrial (I) Zones at those locations where such activities are permitted pursuant to title 10 of this Code.

(A) All properties in which cannabis businesses are located must also meet all of the following distance requirements:

1. It shall be no closer than two hundred fifty feet (250') from any zoned parcel in the City designated by State law pursuant to California Business and Professions Code section 26054(b) and Health and Safety Code section 11362.768 as a sensitive use. The distance measured shall be the horizontal distance measured in a straight line from the property line of those parcels in subsection (A)2 of this section to the closest property line of the lot on which the cannabis business is located.

2. It shall be no closer than two hundred fifty feet (250') from any parcel containing any of the following:

   (a) A school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K - 12);

   (b) A commercial daycare center licensed by the State, City or County that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.

   (c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.

(B) Each proposed cannabis business project shall:

1. Conform with the City 's general plan, any applicable specific plans, master plans, and design requirements.

2. Comply with all applicable zoning and related development standards.

3. Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction.

4. Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

5. Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

6. Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose. (Ord. 1694, 10-9-2018)

5-28-26: LIMITATIONS ON CITY'S LIABILITY:

To the fullest extent permitted by law, the City of Placerville shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

(A) Execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Placerville, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the commercial cannabis business permit, the City's decision to approve the operation of the

commercial cannabis business or activity, the process used by the City in making its decision, or the alleged violation of any Federal, State or local laws by the commercial cannabis business or any of its officers, employees or agents, including any and all claims, injuries, damages or liabilities of any kind arising from: 1) any repeal or amendment of this chapter or any provision of this Code relating to cannabis, and 2) any arrest or prosecution of its managers, employees or members for violation of State and Federal laws; 3) brought by adjacent or nearby property owners or any other parties for any damages, injuries or other liabilities of any kind arising from commercial cannabis operations; and 4) brought by any party for any problems, injuries, damages or other liabilities of any kind arising out of the distribution of cannabis produced or processed by a business permitted by the City of Placerville.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager.

(C) Reimburse the City of Placerville for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of Placerville may be required to pay as a result of any legal challenge related to the City's approval of the applicant's commercial cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of Placerville may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder. (Ord. 1694, 10-9-2018)

5-28-27: RECORDS AND RECORDKEEPING:

(A) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this chapter), or at any time upon reasonable request of the City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s).

(B) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the City Manager or his/her designee(s) upon a reasonable request.

(C) Prior to State licensing, each commercial cannabis business shall maintain a record of all persons, patients, collectives and primary caregivers served by the commercial cannabis business, for a period of no less than four (4) years. Once a State license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by MAUCRSA.

(D) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth in MAUCRSA.

(E) Each commercial cannabis business shall allow the City of Placerville officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware. (Ord. 1694, 10-9-2018)

5-28-28: SECURITY MEASURES:

(A) A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:

1. Alarm system (perimeter, fire, and panic buttons).

2. Remote monitoring of alarm systems by licensed security professionals.

3. Perimeter lighting systems (including motion sensors) for after-hours security.

4. Perimeter security and lighting as approved by the Police Chief and Director of the Development Services Department or his/her designee.

5. Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.

6. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

7. Except for live growing plants which are being cultivated at a cultivation operation that is a component of a microbusiness, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

8. Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is

compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Placerville Police Department by the commercial cannabis business, to facilitate remote monitoring of security cameras by the department or its designee.

9. Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

10. Panic buttons shall be installed in all commercial cannabis businesses with direct notification to Placerville Police Department dispatch, and shall be configured to immediately alert dispatch for the Placerville Police Department.

11. Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

12. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

13. Security personnel shall be on-site twenty four (24) hours a day or alternative security as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Chief of Police.

14. Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

15. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: a) an employee of the commercial cannabis business; or b) a licensed security professional.

16. Each commercial cannabis business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

17. Each commercial cannabis business shall demonstrate to the Chief of Police, City Manager or their designees, compliance with the State's track and trace system for cannabis and cannabis products, as soon as it is operational.

18. Each commercial cannabis business shall have state of the art network security protocols in place to protect computer information and all digital data.

19. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

20. Emergency access and emergency evacuation plans that are in compliance with State and local fire safety standards.

(B) Each commercial cannabis business shall identify a designated security representative/liaison to the City of Placerville, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures and/or operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or his/her designee upon request that meets the following requirements:

1. Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

2. Identifies all managers of the commercial cannabis business and their contact phone numbers.

3. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

4. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company twenty four (24) hours a day, seven (7) days a week, and provides contact information for each licensed security company.

5. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the commercial cannabis business, the parking lot, and any adjacent property under the business' control.

6. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are:

   (a) Free of individuals loitering or causing a disturbance;

   (b) Cleared of employees and their vehicles one-half ($^1/_2$) hour after closing.

(C) As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(D) The commercial cannabis business shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this chapter.

(E) A commercial cannabis business shall notify the City Manager or his/her designee(s) within twenty four (24) hours after discovering any of the following:

1. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).

2. Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.

3. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.

4. Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the City Manager or his/her designee prior to commencing business operations. The City Manager or his/her designee may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner. (Ord. 1694, 10-9-2018)

5-28-29: RESTRICTION ON ALCOHOL AND TOBACCO SALES:

(A) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.

(B) No person shall cause or permit the sale of tobacco products on or about the premises of the commercial cannabis business.

(C) No person shall consume cannabis, cannabis products, or alcohol on the premises of any commercial cannabis business. (Ord. 1694, 10-9-2018)

5-28-30: RESERVED:

(Ord. 1694, 10-9-2018)

5-28-31: FEES AND CHARGES:

(A) No person may commence or continue any commercial cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council which may be amended from time to time.

(B) All commercial cannabis businesses authorized to operate under this chapter shall pay all Sales, Use, Business and other applicable Taxes, and all license, registration, and other fees required under Federal, State and local law. Each commercial cannabis business shall cooperate with City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the City and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational or community benefit agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this chapter, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare. (Ord. 1694, 10-9-2018)

5-28-32: GENERAL OPERATING REQUIREMENTS:

(A) Hours; Age Of Operator Or Permittee: Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City. No person under the age of twenty one (21) shall operate, or be issued a permit for, a commercial cannabis business of any kind.

(B) Restriction On Consumption: Cannabis shall not be consumed by any employee or any other person on the premises of any commercial cannabis business.

(C) Visibility; Outdoor Storage: No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

(D) Reporting And Tracking Of Product And Of Gross Sales: Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.

(E) Licensed Facilities: All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

(F) Emergency Contact: Each commercial cannabis business shall provide the City Manager or his/her designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

(G) Signage And Notices:

1. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Placerville ordinance, including, but not limited to, seeking the issuance of a City sign permit.

2. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.

3. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

4. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

5. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

6. In accordance with State law and regulations or as stipulated in the City of Placerville regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the City of Placerville utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

(H) Minors:

1. Persons under the age of twenty one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this chapter for any person to employ any person at a commercial cannabis business who is not at least twenty one (21) years of age.

2. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

(I) Odor Control: Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Development Services Director or his/her designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

2. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

(J) Display Of Permit And City Business License: The original copy of the commercial cannabis business permit issued by the City pursuant to this chapter and the City issued business license shall be posted inside the commercial cannabis business in a location readily-visible to the public.

(K) Background Check: Pursuant to California Penal Code sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access State and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to Federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner,

manager, supervisor, employee, contract employee or who otherwise works in a commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or his/her designee(s) for a background check by the City of Placerville's Police Department. Pursuant to California Penal Code sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the Chief of Police or his/her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Placerville to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted.

(L) Loitering: The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty feet (50') of the premises.

(M) Permits And Other Approvals: Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.

(N) Training: Each commercial cannabis operator shall establish minimum training standards for all employees. (Ord. 1694, 10-9-2018)

5-28-33: OTHER OPERATIONAL REQUIREMENTS:

The City Manager or his/her designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. (Ord. 1694, 10-9-2018)

5-28-34: OPERATING REQUIREMENTS FOR STORE FRONT/RETAIL FACILITIES:

(A) Number Of Retailers: No more than the number of cannabis retailers adopted by resolution may operate within the City of Placerville at any one time and shall be issued a permit by the City of Placerville.

(B) Deliveries: Retailers may only deliver to customers within a county or city that does not expressly prohibit delivery by ordinance. Should subsequent State law preempt local jurisdictions from prohibiting deliveries, the City shall reserve the right to regulate deliveries and require prior authorization in the form of a permit, pursuant to its land use and police powers under article XI, section 7 of the California Constitution.

(C) Age Verification: Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years and proper identification is checked and that the potential customer has a valid doctor's recommendation and/or Health and

Safety Code section 11362.71 identification card. For adult-use purchases they shall verify that all customers are twenty one (21) years of age or older for the purchase of cannabis or cannabis products.

(D) Entrances: Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area. Individuals must show their physician's recommendation, or a cannabis card issued pursuant to Health and Safety Code section 11362.71 in order to gain access into the retailer. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Security: Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the Chief of Police.

(F) Quantity Of Product: Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer.

(G) Restrooms: All restroom facilities shall remain locked and under the control of management.

(H) Customers: Retailers and microbusinesses authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this chapter.

1. The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

2. Retailers or microbusinesses shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.

3. No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.

4. All cannabis goods sold by a retail business shall be contained in child-resistant packaging.

5. Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

6. A retail licensee or microbusiness licensee who is engaged in retail sale shall hire or contract for security personnel who are at least twenty one (21) years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with chapters 11.4 and 11.5 of division 3 of the Business and Professions Code.

(I) Access To Retailer Premises:

1. Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least twenty one (21) years of age.

2. Notwithstanding subsection (I)1 of this section, individuals who are at least eighteen (18) years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

(J) Authorized Sales: A retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least twenty one (21) years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least eighteen (18) years of age, but not yet twenty one (21), if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals twenty one (21) years of age and older are unrestricted.

(K) Limited Access Areas: A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the Chief of Police or the Development Services Director upon request.

(L) Microbusiness - Commercial Activity: All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a type 12-microbusiness permit shall occur on the same licensed premises. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.

(M) Hours: Operating hours of the store front retailer license shall be limited to the hours of nine o'clock (9:00) A.M. through nine o'clock (9:00) P.M., seven (7) days a week.

(N) Store Front/Retail Security Requirements: All provisions incorporated within section 5-28-28, "Security Measures", of this chapter are directly applicable to and binding on all commercial cannabis businesses, including all store front/retail businesses. (Ord. 1694, 10-9-2018)

5-28-35: OPERATING REQUIREMENTS FOR NON-STORE FRONT RETAILER:

(A) Non-store front retailer (delivery) license owners and operators are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of eighteen (18) years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location.

(B) All store front retailers, non-store front retailers (delivery) and microbusinesses which conduct deliveries into or within the City of Placerville shall be required to obtain a permit from the City of Placerville in order to conduct retail sales regardless if they are located in the City or another local jurisdiction.

(C) Operating hours of the non-store front retailer license shall be limited to the hours of nine o'clock (9:00) A.M. through nine o'clock (9:00) P.M., seven (7) days a week.

(D) The commercial non-store front retailer shall only sell cannabis or cannabis products to a natural person twenty one (21) years of age or older, or a natural person eighteen (18) years of age or older who possesses a physician's recommendation for cannabis medical use only.

(E) The commercial cannabis non-store front retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale. (Ord. 1694, 10-9-2018)

5-28-36: NON-STORE FRONT RETAILER VEHICLE REQUIREMENTS:

Prior to commencing operations, a cannabis non-store front retailer shall provide the following information to the City.

(A) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.

(B) The year, make, model, license plate number, and numerical vehicle identification number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

(C) Proof of insurance as required in subsection 5-28-26(B) of this chapter for any and all vehicles being used to deliver cannabis goods.

(D) The licensee shall provide the City with the information required by this section in writing for any new vehicle that will be used to deliver cannabis goods prior to using the vehicle to deliver cannabis goods.

(E) The licensee shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days. (Ord. 1694, 10-9-2018)

5-28-37: PERMISSIBLE DELIVERY LOCATIONS AND CUSTOMERS:

Non-store front businesses permitted to engage in delivery of cannabis and cannabis products are subject to the following requirements:

(A) A cannabis business must be authorized by the City of Placerville to deliver cannabis goods to a residential address in the City of Placerville and/or to other jurisdictions in which it is not prohibited to conduct deliveries of cannabis goods;

(B) A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.

(C) A licensed cannabis business shall comply with all requirements of State and local law pertaining to the cannabis permit and all subsequent policies, procedures and regulations which may be amended by the City Manager from time to time in order to enforce this chapter. (Ord. 1694, 10-9-2018)

5-28-38: RESTRICTION ON STORE FRONT RETAIL FACILITIES:

(A) It shall be unlawful for any person, limited liability company, corporation, collective, cooperative or any other entity to manage or operate a store front facility in which customers are permitted on the premises for which it will sell, exchange, barter, transfer, and/or promote, any cannabis or cannabis products in the City for commercial purpose unless they have been issued a commercial cannabis permit pursuant to this chapter and authorized to conduct such activities. (Ord. 1694, 10-9-2018)

5-28-39: OPERATING REQUIREMENTS FOR A MICROBUSINESS-CULTIVATION FACILITY AND ANY OTHER CULTIVATION:

(A) Outdoor cultivation is prohibited. The only indoor commercial cultivation that is authorized, if duly permitted by the City pursuant to this chapter, is indoor commercial cultivation that is a component of a microbusiness.

(B) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

(C) Commercial cannabis cultivation which is permitted in the City of Placerville shall not exceed ten thousand (10,000) square feet of canopy space permitted by State law as part of a microbusiness license.

(D) Cannabis cultivation shall be conducted in accordance with State and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

(E) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(F) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

(G) All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:

1. A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

2. A description of a legal water source, irrigation plan, and projected water use.

3. Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

4. Plan for addressing odor and other public nuisances that may derive from the cultivation site.

(H) Persons who cultivate cannabis for their sole personal use, or qualified primary caregivers who cultivate medical cannabis on behalf of their qualified patient(s) may do so in quantities authorized by State law and in accordance with all State and local regulations without submitting any application or permit. It is hereby declared to be unlawful and a public nuisance may also be deemed to exist if such activity is determined to be related to the cultivation of cannabis and produces:

1. Odors which are disturbing to people residing or present on adjacent or nearby property or areas open to the public.

2. Repeated responses to the property from law enforcement or other Code Enforcement Officers (more than 3 times in a 1-year period).

3. Repeated disruption to the free passage of persons or vehicles in the neighborhood (more than 3 times in a 1-year period) as reported to law enforcement officers or the City Code Enforcement Officer.

4. Any other impact which adversely impacts the health, safety or general welfare of people on adjacent or nearby property or areas open to the public.

Nothing in this chapter shall be construed as a limitation on the City's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of cannabis plants or any part thereof from any location.

All cannabis cultivation shall be subject to title 1, chapters 4, 4A and 4B of this Code (public nuisance) and the State Housing Code[3] and other applicable provisions of local and State law. (Ord. 1694, 10-9-2018)

5-28-39.5: OPERATING REQUIREMENTS FOR DISTRIBUTORS:

(A) A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in section 5000(c) of the California Code of Regulations.

(B) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.

(C) A distributor shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.

(D) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of State law, specifically the testing provisions within the California Code of Regulations.

(E) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the recording kept available to State and local authorities for a minimum of one hundred eighty (180) days, pursuant to section 5305 of the California Code of Regulations.

(F) A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with State health and safety requirements pursuant to sections 5705, 5710 and 5714 of the California Code of Regulations. (Ord. 1694, 10-9-2018)

5-28-40: OPERATING REQUIREMENTS FOR TESTING LABS:

(A) Testing labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code section 26100 and shall be subject to State and local law. Each testing lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this chapter and any subsequent State of California legislation regarding the same.

(B) Testing labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.

(C) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.

(D) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.

(E) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by State law and that the testing laboratory employee transports the sample to the testing laboratory.

(F) Except as provided by State law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with State law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received. (Ord. 1694, 10-9-2018)

5-28-41: CANNABIS MANUFACTURING; EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS:

(A) Cannabis manufacturing shall only be permitted as part of a microbusiness pursuant to section 5-28-39 of this chapter or any subsequent created manufacturing State license (using non-volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in title 10 of this Code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Placerville in containers that exceeds the amount which is approved by the Placerville Fire Protection District and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the Placerville Fire District on the property at any time.

(C) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(D) If an extraction process uses a professional grade closed loop CO_2 gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO_2 must be of at least ninety nine percent (99%) purity.

(E) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the State of California, or by a certified industrial hygienist, must be provided to the Development Service Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

1. The American Society of Mechanical Engineers (ASME);

2. American National Standards Institute (ANSI);

3. Underwriters Laboratories (UL); or

4. The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required Fire, Safety, and Building Code requirements specified in the California Building Reference Codes.

(I) Cannabis manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(J) Cannabis manufacturing facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(K) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(L) Parts per million for one gram (1 g) of finished extract cannot exceed State standards for any residual solvent or gas when quality assurance tested. (Ord. 1694, 10-9-2018)

5-28-42: PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES:

(A) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this chapter.

(B) Regulations shall be published on the City's website.

(C) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all State and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his/her designee.

(D) Testing labs, distribution facilities and special events shall be subject to State law and shall be subject to additional regulations as determined from time to time as more regulations are developed under subsection 5-28-41(A) of this chapter and any subsequent State of California legislation regarding the same. (Ord. 1694, 10-9-2018)

5-28-43: COMMUNITY RELATIONS:

(A) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within two hundred fifty feet (250') of the commercial cannabis business.

(B) During the first year of operation pursuant to this chapter, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this chapter shall attend meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this chapter. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

(C) Commercial cannabis businesses to which a permit is issued pursuant to this chapter shall develop a City approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction. (Ord. 1694, 10-9-2018)

5-28-44: FEES DEEMED DEBT TO THE CITY OF PLACERVILLE:

The amount of any fee, cost or charge imposed pursuant to this chapter shall be deemed a debt to the City of Placerville that is recoverable via an authorized administrative process as set forth in the City ordinance, or in any court of competent jurisdiction. (Ord. 1694, 10-9-2018)

5-28-45: PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS:

The person to whom a permit is issued pursuant to this chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Placerville, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence. (Ord. 1694, 10-9-2018)

5-28-46: INSPECTION AND ENFORCEMENT:

(A) The City Manager, or his/her designee(s) charged with enforcing the provisions of this Code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and

records required to be maintained pursuant to this chapter or under applicable provisions of State law.

(B) It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under State or local law.

(C) The City Manager, or his/her designee(s) charged with enforcing the provisions of this chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Placerville shall be logged, recorded, and maintained in accordance with established procedures by the City of Placerville City Manager or these regulations. (Ord. 1694, 10-9-2018)

5-28-47: COMPLIANCE WITH STATE REGULATION:

It is the stated intent of this chapter to regulate commercial cannabis activity in the City of Placerville in compliance with all provisions MAUCRSA and any subsequent State legislation. (Ord. 1694, 10-9-2018)

5-28-48: VIOLATIONS DECLARED A PUBLIC NUISANCE:

Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance. (Ord. 1694, 10-9-2018)

5-28-49: EACH VIOLATION A SEPARATE OFFENSE:

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Placerville. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Placerville may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, or his/her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending a hearing before the City Manager, or his/her designee(s). (Ord. 1694, 10-9-2018)

5-28-50: CRIMINAL PENALTIES:

Each and every violation of the provisions of this chapter may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars ($1,000.00) or imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. 1694, 10-9-2018)

5-28-51: REMEDIES CUMULATIVE AND NOT EXCLUSIVE:

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law. (Ord. 1694, 10-9-2018)

Chapter 29
CANNABIS BUSINESS TAX

5-29-1: TITLE:

This chapter shall be known as the *CANNABIS BUSINESS TAX ORDINANCE.* (Ord. 1696, 11-6-2018)

5-29-2: AUTHORITY AND PURPOSE:

The purpose of this chapter is to adopt a tax, for revenue purposes, pursuant to sections 37101 and 37100.5 of the California Government Code, upon cannabis businesses that engage in business in the City. The Cannabis Business Tax is levied based upon business gross receipts and square footage of plant canopy. It is not a Sales and Use Tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's General Fund and be available for any legal Municipal purpose. (Ord. 1696, 11-6-2018)

5-29-3: INTENT:

The intent of this chapter is to levy a tax on all cannabis businesses that operate in the City, regardless of whether such business would have been legal at the time this chapter was adopted. Nothing in this chapter shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken. (Ord. 1696, 11-6-2018)

5-29-4: DEFINITIONS:

The following words and phrases shall have the meanings set forth below when used in this chapter:

BUSINESS: Shall include all activities engaged in or caused to be engaged in within the City, including

any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

CALENDAR YEAR: Means January 1 through December 31.

CANNABIS: Means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

CANNABIS BUSINESS: Means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.

CANNABIS BUSINESS TAX OR BUSINESS TAX: Means the tax due pursuant to this chapter for engaging in cannabis business in the City.

CANNABIS PRODUCT: Means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

CANOPY: Means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

CITY PERMIT: Means a permit issued by the City to a person to authorize that person to operate or engage in a cannabis business.

COMMERCIAL CANNABIS CULTIVATION: Means cultivation in the course of conducting a cannabis business.

CULTIVATION: Means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.

EMPLOYEE: Means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

ENGAGED IN BUSINESS AS A CANNABIS BUSINESS: Means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in business within the City if:

(A) Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;

(B) Such person or person's employee owns or leases real property within the City for business purposes;

(C) Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;

(D) Such person or person's employee regularly conducts solicitation of business within the City; or

(E) Such person or person's employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business".

EVIDENCE OF DOING BUSINESS: Means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City.

GROSS RECEIPTS: Except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), 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, losses or any other expense whatsoever. However, the following shall be excluded from the definition of gross receipts:

(A) Cash discounts where allowed and taken on sales;

(B) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

(C) Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

(D) Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

(E) Cash value of sales, trades or transactions between departments or units of the same business;

(F) Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently

collected they shall be included in the amount of gross receipts for the period when they are recovered;

(G) Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar ($1.00);

(H) Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the City's Finance Department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

(I) Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters, rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per section 5-29-14 of this chapter shall not be subject to the Cannabis Business Tax under this chapter. However, any business activities not subject to this chapter as a result of the administrative ruling shall be subject to the appropriate Business Tax provisions of chapter 1 of this title or any other chapter or title as determined by the Tax Administrator.

LIGHTING: Means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

NURSERY: Means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

PERSON: Means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

SALE: Means and includes any sale, exchange, or barter.

STATE: Means the State of California.

STATE LICENSE, LICENSE, OR REGISTRATION: Means a State license issued pursuant to California Business and Professions Code sections 26050, et seq., or other applicable State law.

TAX ADMINISTRATOR: Means the Director of Finance of the City of Placerville or his or her designee.

TESTING LABORATORY: Means a cannabis business that: a) offers or performs tests of cannabis or cannabis products, b) offers no service other than such tests, c) sells no products, excepting only testing supplies and materials, d) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the State and e) is registered with the State Department of Public Health. (Ord. 1696, 11-6-2018)

5-29-5: TAX IMPOSED:

(A) Beginning January 1, 2019, there is imposed upon each person who is engaged in business as a cannabis business a Cannabis Business Tax. Such tax is payable regardless of whether the business has been issued a cannabis business license or permit to operate lawfully in the City or is operating unlawfully. The City's acceptance of a Cannabis Business Tax payment from a cannabis business operating illegally will not constitute the City's approval or consent to such illegal operations.

(B) The initial rate of the Cannabis Business Tax shall be as follows:

1. For every person who is engaged in commercial cannabis cultivation in the City:

   (a) Seven dollars ($7.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.

   (b) Four dollars ($4.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.

   (c) Two dollars ($2.00) annually per square foot of canopy space in a facility that uses no artificial lighting.

   (d) One dollar ($1.00) annually per square foot of canopy space for any nursery.

   For purposes of this subsection (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the State license type. Should a City permit be issued to a business which cultivates only for certain months of the year, the City shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. In no case shall canopy square footage which is authorized by the City commercial cannabis permit but not utilized for cultivation be deducted for the purpose of determining the tax for cultivation, unless the Tax Administrator is informed in writing and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used, that such space will not be used.

2. For every person who engages in the operation of a testing laboratory: One percent (1%) of gross receipts.

3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): Four percent (4%) of gross receipts.

4. For every person who engages in a cannabis distribution business: Two percent (2%) of gross receipts.

5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail), or any other type of cannabis business not described in subsection (B)1, (B)2, (B)3 or (B)4 of this section: Two and one-half percent (2.5%) of gross receipts.

(C) The City Council may, by resolution or ordinance, adjust the rate of the Cannabis Business Tax. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate calculated pursuant to subsection (D) of this section for the date on which the adjusted rate will commence.

(D) The maximum rate shall be calculated as follows:

1. For every person who is engaged in commercial cannabis cultivation in the City:

(a) Through January 1, 2021, the maximum rate shall be:

(1) Ten dollars ($10.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.

(2) Seven dollars ($7.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.

(3) Four dollars ($4.00) annually per square foot of canopy space in a facility that uses no artificial lighting.

(4) Two dollars ($2.00) annually per square foot of canopy space for any nursery.

(b) On January 1, 2022 and on each January 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the annual percentage change in the Consumer Price Index ("CPI") for all urban consumers in the San Francisco-Oakland-Hayward area as published by the United States Government Bureau of Labor Statistics as of October of the previous calendar year. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.

2. For every person who engages in the operation of a testing laboratory, the maximum tax rate shall not exceed two and a half percent (2.5%) of gross receipts.

3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) the maximum tax rate shall not exceed eight percent (8%) of gross receipts.

4. For every person who engages in a cannabis distribution business, the maximum tax rate shall not exceed three percent (3%) of gross receipts.

5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail activity) or any other type of cannabis business not described in subsection (D)1, (D)2, (D)3 or (D)4 of this section, the maximum tax rate shall not exceed four percent (4%) of gross receipts. (Ord. 1696, 11-6-2018)

5-29-6: REPORTING AND REMITTANCE OF TAX:

(A) The Cannabis Business Tax imposed by this chapter shall be paid, in arrears, on a quarterly basis. For commercial cannabis cultivation, the tax due for each calendar quarter shall be based on the square footage of the business's canopy space during the quarter and the rate shall be twenty five percent (25%) of the applicable annual rate. For all other cannabis businesses activities, the tax due for each calendar quarter shall be based on the gross receipts for the quarter.

(B) Each person owing Cannabis Business Tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the Tax Administrator a statement of the tax owed for that calendar quarter and the basis for calculating that tax. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar quarter shall be due and payable on that same date that the statement for the calendar quarter is due.

(C) Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar quarters up to the calendar quarter during which cessation occurred.

(D) The Tax Administrator may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure collection of the tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

(E) For purposes of this section, the square feet of canopy space for a business shall be rebuttably presumed to be no less than the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the State license type. In no case shall canopy square footage which is authorized by the permit or license but not utilized for cultivation be excluded from taxation unless the Tax Administrator is informed in writing, prior to the period for which the space will not be used, that such space will not be used. (Ord. 1696, 11-6-2018)

5-29-7: PAYMENTS AND COMMUNICATIONS - TIMELY REMITTANCE:

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public. (Ord. 1696, 11-6-2018)

5-29-8: PAYMENT - WHEN TAXES DEEMED DELINQUENT:

Unless otherwise specifically provided under other provisions of this chapter, the taxes required to be paid pursuant to this chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in sections 5-29-6 and 5-29-7 of this chapter. (Ord. 1696, 11-6-2018)

5-29-9: NOTICE NOT REQUIRED BY THE CITY:

The City may as a courtesy send a tax notice to the business. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this chapter. (Ord. 1696, 11-6-2018)

5-29-10: PENALTIES AND INTEREST:

(A) Any person who fails or refuses to pay any Cannabis Business Tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

(B) Whenever a check or electronic payment is submitted in payment of a Cannabis Business Tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this section, and any other amount allowed under State law. (Ord. 1696, 11-6-2018)

5-29-11: REFUNDS AND CREDITS:

(A) No refund shall be made of any tax collected pursuant to this chapter, except as provided in section 5-29-12 of this chapter.

(B) No refund of any tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of a business. (Ord. 1696, 11-6-2018)

5-29-12: REFUNDS AND PROCEDURES:

(A) Whenever the amount of any Cannabis Business Tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one year of the date the tax was originally due and payable.

(B) The Tax Administrator, his or her designee or any other City officer charged with the administration of this chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

(C) In the event that the Cannabis Business Tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one year from the date that the tax was paid. (Ord. 1696, 11-6-2018)

5-29-13: PERSONAL CULTIVATION NOT TAXED:

The provisions of this chapter shall not apply to personal cannabis cultivation as defined in the "Medicinal and Adult Use Cannabis Regulation and Safety Act". This chapter shall not apply to

personal use of cannabis that is specifically exempted from City and State licensing requirements, that meets the definition of personal use or equivalent terminology under State law, and for which the individual receives no compensation whatsoever related to that personal use. (Ord. 1696, 11-6-2018)

5-29-14: ADMINISTRATION OF THE TAX:

(A) It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this chapter.

(B) For purposes of administration and enforcement of this chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

(C) The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;

2. Provide information to any taxpayer concerning the provisions of this chapter;

3. Receive and record all taxes remitted to the City as provided in this chapter;

4. Maintain records of taxpayer reports and taxes collected pursuant to this chapter;

5. Assess penalties and interest to taxpayers pursuant to this chapter;

6. Determine amounts owed and enforce collection pursuant to this chapter. (Ord. 1696, 11-6-2018)

5-29-15: APPEAL PROCEDURE:

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this chapter may appeal to the City Council by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice. (Ord. 1696, 11-6-2018)

5-29-16: ENFORCEMENT - ACTION TO COLLECT:

Any taxes, penalties and/or fees required to be paid under the provisions of this chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties

and/or fees imposed by this chapter or the failure to comply with any of the provisions of this chapter. (Ord. 1696, 11-6-2018)

5-29-17: APPORTIONMENT:

If a business subject to the tax is operating both within and outside the City, it is the intent of the City to apply the Cannabis Business Tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent Federal or State law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary. (Ord. 1696, 11-6-2018)

5-29-18: CONSTITUTIONALITY AND LEGALITY:

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and State law. None of the tax provided for by this chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or State law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax. (Ord. 1696, 11-6-2018)

5-29-19: AUDIT AND EXAMINATION OF PREMISES AND RECORDS:

(A) For the purpose of ascertaining the amount of Cannabis Business Tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, State and Federal Income Tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

(B) It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this chapter to keep and preserve, for a period of at least three (3) 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 Tax Administrator or his/her designee shall have the right to inspect at all reasonable times. (Ord. 1696, 11-6-2018)

5-29-20: OTHER LICENSES, PERMITS, TAXES, FEES OR CHARGES:

(A) Nothing contained in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any City cannabis license, permit or license required by, under or by virtue of any provision of any other chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or

other charge imposed, assessed or required by, under or by virtue of any other chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other chapter of this Code to any licenses, License Taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, License Taxes, fees or charges, or schedule of license fees, provided for in other chapter of this Code.

(B) Notwithstanding subsection (A) of this section, a cannabis business shall not be required to pay the license fee required by chapter 1 of this title so long as all of business's activities within the City that would require payment of a License Tax or fee are activities subject to the Cannabis Business Tax.

(C) The Tax Administrator may revoke or refuse to renew the license required by chapter 1 of this title for any business that is delinquent in the payment of any tax due pursuant to this chapter or that fails to make a deposit required by the Tax Administrator pursuant to section 5-29-6 of this chapter. (Ord. 1696, 11-6-2018)

5-29-21: PAYMENT OF TAX DOES NOT AUTHORIZE UNLAWFUL BUSINESS:

(A) The payment of a Cannabis Business Tax required by this chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable State laws.

(B) No tax paid under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or State law. (Ord. 1696, 11-6-2018)

5-29-22: DEFICIENCY DETERMINATIONS:

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under section 5-29-24 of this chapter. (Ord. 1696, 11-6-2018)

5-29-23: FAILURE TO REPORT - NONPAYMENT, FRAUD:

(A) Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this chapter;

2. If the person has not paid the tax due under the provisions of this chapter;

3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this chapter; or

4. If the Tax Administrator determines that the nonpayment of any Business Tax due under this chapter is due to fraud, a penalty of twenty five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this chapter and any other penalties allowed by law.

(B) The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this chapter and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment. (Ord. 1696, 11-6-2018)

5-29-24: TAX ASSESSMENT - NOTICE REQUIREMENTS:

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this section, a service by overnight delivery shall be deemed to have occurred one calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail. (Ord. 1696, 11-6-2018)

5-29-25: TAX ASSESSMENT - HEARING, APPLICATION AND DETERMINATION:

Within thirty (30) calendar days after the date of service the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in section 5-29-24 of this chapter for giving notice of assessment. (Ord. 1696, 11-6-2018)

5-29-26: RELIEF FROM TAXES - DISASTER RELIEF:

(A) If a business is unable to comply with any tax requirement due to a disaster, the business may notify the Tax Administrator of this inability to comply and request relief from the tax requirement;

1. A request for relief must clearly indicate why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time.

(B) The cannabis business agrees to grant the tax collector or his/her designee access to the location where the cannabis business has been impacted due to a disaster;

(C) The Tax Administrator, in his/her sole discretion, may provide relief from the Cannabis Business Tax requirement for businesses whose operations have been impacted by a disaster if such tax liability does not exceed five thousand dollars ($5,000.00). If such tax liability is five thousand one dollars ($5,001.00) or more then such relief shall only be approved by the City Council;

(D) Temporary relief from the Cannabis Tax may be granted for a reasonable amount of time as determined by the Tax Administrator or the City Council, as applicable in order to allow the cannabis business time to recover from the disaster;

(E) The Tax Administrator or City Council, as applicable may require that certain conditions be followed in order for a cannabis business to receive temporary relief from the Cannabis Business Tax requirement;

(F) For purposes of this section, "disaster" means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes. (Ord. 1696, 11-6-2018)

5-29-27: CONVICTION FOR VIOLATION - TAXES NOT WAIVED:

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any State law requiring the payment of all taxes. (Ord. 1696, 11-6-2018)

5-29-28: VIOLATION DEEMED MISDEMEANOR:

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 1696, 11-6-2018)

5-29-29: SEVERABILITY:

If any provision of this chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable. (Ord. 1696, 11-6-2018)

5-29-30: REMEDIES CUMULATIVE:

All remedies and penalties prescribed by this chapter or which are available under any other provision of this Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Ord. 1696, 11-6-2018)

5-29-31: AMENDMENT OR REPEAL:

This chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by article XIIIC of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this chapter. The people of the City of Placerville affirm that the following actions shall not constitute an increase of the rate of a tax:

(A) The restoration or adjustment of the rate of the tax to a rate that is no higher than that set by this chapter, if the City Council has acted to reduce the rate of the tax or incrementally implement an increase authorized by this chapter;

(B) An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this chapter; or

(C) The collection of the tax imposed by this chapter even if the City had, for some period of time, failed to collect the tax. (Ord. 1696, 11-6-2018)

Title 6
POLICE REGULATIONS

This section has been affected by a recently passed ordinance, Res 8479 - PROHIBITING NONMEDICAL MARIJUANA . Go to new ordinance.

This section has been affected by a recently passed ordinance, Res 8479 - PROHIBITING NONMEDICAL MARIJUANA . Go to new ordinance.

Chapter 1
GENERAL OFFENSES

6-1-1: FRAUDULENTLY AVOIDING PAYMENT OF ADMISSION FEES:

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee,

any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement. (1962 Code)

6-1-2: BARBED WIRE AND ELECTRIC FENCES:

Barbed wire fences may be used in RE and R-1A zones where there is actual raising and grazing of livestock. Barbed wire fences are also permitted in C and CG zones where the barbed wire is placed a minimum of six feet (6') aboveground. It shall be unlawful for any person to erect or maintain any electric fence as a guard to any parking lot or parcel of land. (Ord. 1158, 6-27-1978)

6-1-3: DEPOSITS OF INJURIOUS MATERIAL ON THOROUGHFARES:

It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property. (1962 Code)

6-1-4: KEEPING OF RESTRICTED JUNK:

It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any school house, church, public parks, public grounds, business buildings or residences without first providing proper and tight buildings for the storage of the same. (1962 Code)

6-1-5: LUG WHEELS PROHIBITED:

It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets. (1962 Code)

6-1-6: MUFFLERS; UNNECESSARY NOISE:

It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination appliance. (1962 Code)

6-1-7: NUISANCES DEFINED:

Anything which is injurious to the health or morals, or indecent or offensive to the sense or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated[1]. (1962 Code)

6-1-8: ASSISTANCE TO POLICE OFFICERS:

It shall be unlawful for any male citizen over the age of eighteen (18) years to refuse or neglect to render assistance to any police officer when called upon for such assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense. (1962 Code)

6-1-9: TRESPASSING:

It shall be unlawful for any person to take down any fence or to let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof. (1962 Code)

6-1-10: WATER FLOWING UPON STREETS:

It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare in such a manner to create a nuisance or hazard. (1962 Code)

6-1-11: WINDOW SILLS TO BE KEPT CLEAR:

It shall be unlawful for any person to place or keep on any window sill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens. (1962 Code)

Chapter 2
POLICE DEPARTMENT

6-2-1: DEPARTMENT; CONTROL:

The police department shall be under the supervision and control of the chief of police. (1962 Code)

6-2-2: OFFICERS; APPOINTMENT:

The chief of police may:

(A) Appoint one or more police officers subject to the approval of the council.

(B) Appoint additional police officers with the concurrence of the mayor and/or police commission when they deem it necessary for the preservation of the public order. (1962 Code)

6-2-3: DUTIES:

It shall be the duty of the members of the police department to see to the enforcement of all of the laws of the city and all statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof. (1962 Code)

6-2-4: ATTENDANCE AT PUBLIC MEETINGS:

The mayor or chief of police shall direct a sufficient number of policemen to attend and keep order at any public meeting at which, in his opinion, a breach of the peace may occur. (1962 Code)

6-2-5: RULES AND REGULATIONS:

The chief of police may make or prescribe such rules and regulations as he shall deem advisable; such rules, when approved by the council, shall be binding on the members. The rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the department. (1962 Code)

6-2-6: REWARDS:

The chief of police, for meritorious service rendered by any member of the department in the due discharge of his duty may permit such member to retain for his own benefit, so far as he may be permitted by law, any reward or present tendered him therefor, and it shall be cause for dismissal for any member to receive such reward or present without notice thereof to the chief of police and without his permission. (1962 Code)

6-2-7: WITNESS FEES:

Every member of the department shall appear as witness whenever necessary in a prosecution for a violation of any municipal, state or federal law. No member shall retain any witness fee for service as witness in any action or suit to which the city is a party; any fees paid for such services shall be turned over to the chief of police, who shall deposit the same with the treasurer. (1962 Code)

6-2-8: TRAINING OF OFFICERS:

The city declares that it desires to qualify to receive aid from the state under the provisions of chapter 1 of title 4, part 4 of the California Penal Code.

Pursuant to section 13522 of said chapter 1, the city while receiving aid from the state pursuant thereto will adhere to the standards for recruitment and training established by the California commission on peace officer standards and training[1]. (Ord. 867, 10-2-1961)

6-2-9: TRAINING OF PUBLIC SAFETY DISPATCHERS:

The city declares it accepts the requirements of section 13510(C), chapter 1, title 4, part 4, of the California Penal Code, and will adhere to the standards for recruitment and training established by the commission on peace officer standards and training (POST) for public safety dispatchers.

The city will adhere to the requirements of section 13512, chapter 1, that the commission and its representatives may make such inquiries as deemed appropriate by the commission to ascertain that the city public dispatcher personnel adhere to standards for selection and training established by the commission on peace officer standards and training. (Ord. 1565, 4-11-2000)

Chapter 3
ANIMAL CONTROL

6-3-1: COUNTY REGULATIONS ADOPTED:

The city hereby adopts, by reference, El Dorado County ordinance code, title 6, "Animals", chapters 6.04, 6.08, 6.12, 6.16, 6.20, 6.24, 6.25, 6.28 and 6.32.

(A) As long as this ordinance is in effect, at least three (3) copies of the code being adopted by reference, all certified to be true copies by the city clerk, shall be filed in the office of the city clerk, and after adoption of the code one of these copies shall be kept in the office of the police chief.

(B) If, at a later time, the county amends its ordinance and the city wishes to conform to the county's amended ordinance, it may do so through the same procedure as required for adoption of this original ordinance. (Ord. 1449, 10-11-1988)

Chapter 4
RESERVED
(Ord. 1041, 9-11-1973)

Chapter 5
LOITERING AND TRESPASS PROHIBITED

6-5-1: LOITERING OF MINORS PROHIBITED:

(A) It is unlawful for any minor under the age of eighteen (18) to loiter about or upon the public streets, avenues, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any unsupervised place between the hours of eleven o'clock (11:00) P.M. and the time of sunrise of the following day; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents,

guardian, adult spouse, or other adult person having the care and custody of the minor, or when the minor is upon an errand directed by his or her parent or guardian or other adult person having the care and custody of the minor or when the minor is returning directly home from a meeting, entertainment, educational or recreational activity.

(B) For the purposes of this section, the word "loiter" is defined to mean to idle, linger, wander, stroll, play, or to walk, drive or ride aimlessly.

(C) Each violation of the provisions of this section shall constitute a separate offense. (Ord. 1445, 7-26-1988)

6-5-2: TRESPASS UPON PRIVATE PROPERTY PROHIBITED[1]:

(A) Leave After Notification: No person shall remain upon any private property or business premises, after being notified by the owner or lessee, or other person in charge thereof, to remove therefrom.

(B) Do Not Enter After Notification: No person, without permission, express or implied of the owner or lessee or other person in charge of private property or business premises, shall enter upon the private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or keep away therefrom.

(C) Exceptions: This section shall not apply in any of the following instances:

1. Where its application results in or is coupled with an act prohibited by the Unruh civil rights act or any other provisions of law relating to prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin;

2. Where its application results in or is coupled with an act prohibited by section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

3. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech such as (but not limited to) peaceful expressions of political or religious opinions, not involving offensive personal conduct; or

5. Where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable (but not limited) to the following types of situations involving disputes wherein the participants have available to them practical and effective civil remedies: marital and postmarital disputes, child custody or visitation disputes, disputes regarding title to or rights in real property, landlord-tenant disputes, disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute, employer-employee disputes, business type disputes such as those between partners, debtor-creditor disputes, and instances wherein the person claims rights to be present pursuant to order, decree or process of a court. (Ord. 1445, 7-26-1988)

6-5-3: HARASSING PROHIBITED:

(A) Harassing Pedestrians: No person shall loiter in or upon any public highway, alley, sidewalk, or crosswalk or other public ways open for pedestrian travel for the purpose of harassing pedestrians.

(B) Definition: "Harassing", for the purpose of this section, shall mean knowing and wilful conduct directed at a specific person which seriously alarms, annoys, harasses or terrorizes that person and which serves no legitimate purpose and is not constitutionally protected.

(C) Penalty/Punishment: A violation of this section shall constitute an infraction. The punishment for a violation of this section shall be a fine not exceeding fifty dollars ($50.00) for a first violation, a fine not exceeding one hundred dollars ($100.00) for a second violation within one year, and a fine not exceeding two hundred fifty dollars ($250.00) for each additional violation of this section within one year. (Ord. 1511, 8-9-1994)

6-5-4: SITTING OR LYING IN PUBLIC WAYS PROHIBITED:

(A) Prohibited Acts: No person shall sit, stand, or lie in any public highway, alley, sidewalk, or crosswalk or other public way open for pedestrian travel in such a manner as to wilfully and maliciously obstruct the free passage of pedestrians.

(B) Definitions:

MALICIOUSLY: For the purpose of this section, shall mean to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law[2].

WILFULLY: For the purpose of this section shall mean a purpose or willingness to commit the act or omission[3].

(C) Penalty/Punishment: A violation of this section shall constitute an infraction. The punishment for a violation of this section shall be a fine not exceeding fifty dollars ($50.00) for a first violation, a fine not exceeding one hundred dollars ($100.00) for a second violation of this section within one year, and a fine not exceeding two hundred fifty dollars ($250.00) for an additional violation of this section within one year. (Ord. 1512, 8-9-1994)

6-5-5: OBSTRUCTING ENTRANCES PROHIBITED:

No person shall loiter, stand, or sit in or at the entrance of any church, hall, a public business, or place of public assemblage within the city so as to obstruct such entrance. (Ord. 1445, 7-26-1988)

6-5-6: LOITERING IN MUNICIPAL PARKING LOTS PROHIBITED:

(A) Findings: The city council finds and declares that there has been an increase in criminal activity, particularly violent crime, in public parking lots as well as intimidation and harassment of citizens who are using those parking lots to conduct business with local merchants. The council further finds that the majority of these incidents are occurring in the evening hours after sunset.

The city council further finds that the primary purpose of municipal parking lots is to provide city residents with safe and convenient temporary public parking and to facilitate the daily flow of traffic in and around local businesses.

The city council further finds that there is a need to abate the congregation of individuals who gather in the municipal parking lots for no apparent purpose. Such gatherings engender the commission or threatened commission of public offenses and interfere with the primary use of the public parking lots. Such activities constitute a continuing public nuisance which adversely affects public health, safety and welfare of city residents and hinders commercial activity and traffic flow in parking lots, commercial shopping centers and other public places.

(B) Remaining, Staying And Loitering In Municipal Parking Lots:

1. It shall be unlawful for any person to remain, stay or loiter in any municipal parking lot between sunset and sunrise of the next day, after first having been ordered to leave by a peace officer.

2. For purposes of this section only, "loiter" shall mean:

(a) To delay, linger or idle in any municipal parking lot without any intent to conduct lawful business with the adjacent businesses.

(b) To remain in any municipal parking lot for a period of time longer than reasonably necessary to conduct business with the adjacent businesses.

(c) To remain in a motor vehicle parked in any municipal lot when no occupant of the vehicle is conducting or intends to conduct business with the adjacent businesses.

(C) Obstructing And Intimidating Business Patrons: Any person, who while in a municipal parking lot, intentionally obstructs, intimidates, threatens or harasses another person who is using a municipal parking lot for the purpose of conducting business with the neighboring merchants and who then refuses to leave said parking lot after being requested to do so by the owner of said business or his agent or by a peace officer, is guilty of an infraction.

(D) Penalty/Punishment: A violation of this section shall constitute an infraction. The punishment for a violation of this section shall be a fine of not less than fifty dollars ($50.00), nor more than one hundred dollars ($100.00) for a first violation, a fine not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00) for a second violation of this section within one year, and a fine of two hundred fifty dollars ($250.00) for an additional violation of this section within one year.

(E) Severability: If any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(F) Effective Date: This section is, for the reasons stated in the council's findings, declared to be necessary as an urgency measure to protect and preserve the public health, safety and welfare and is, therefore, effective immediately upon adoption by a two-thirds ($^2/_3$) vote of the city council. (Ord. 1529, 12-12-1995)

Chapter 6
RESERVED
(Ord. 1159, 7-11-1978)

Chapter 7
PLASTIC BAGS OR COVERINGS

6-7-1: DEFINITION:

The words "plastic coverings", "plastic bag", or "plastic package" when used in this chapter shall mean any covering, package or bag made of plastic material sufficiently thin and pliable to respond to static electricity created by contact with the human body to the extent that it clings to the human skin or body. (1962 Code)

6-7-2: WARNING REQUIRED:

It shall be unlawful for any person to have in his possession, or to deliver as a cover or wrapper, any plastic bag that is of sufficient size to fit over a child's head, or any bag which, when open, has an opening larger than twenty five (25) square inches or a capacity of more than one hundred twenty five (125) cubic inches, unless there is at all times clearly printed on such bag or covering, or on a paper attached to such bag or covering, words in letters at least one-fourth inch ($^1/_4$") high as follows:

WARNING: To avoid danger of suffocation keep this bag (or covering) away from babies and children. Do not use in cribs, beds, carriages or play pens. This is not a toy.

(1962 Code)

6-7-3: CERTAIN BAGS A NUISANCE:

Any plastic bag, covering or package not carrying or accompanied by the printed warning as provided in section 6-7-2 of this chapter is hereby declared a nuisance. (1962 Code)

Chapter 8
RESERVED
(Ord. 1159, 7-11-1978)

Chapter 9
SALE OF UNCLAIMED PROPERTY

6-9-1: PERIOD HELD BEFORE SALE:

With the exception of firearms and other property specifically regulated by statute, any unclaimed property held by the police department of the city shall be held by the police department for a period of at least ninety (90) days, and after said property has been held for the period as above set forth, such property shall be sold at the public auction to the highest bidder or disposed pursuant to the sections of this chapter. (Ord. 1670, 4-28-2015)

6-9-2: NOTICE GIVEN:

Notice of any such sale shall be given by the chief of police at least five (5) days before the sale by publication at least once of the notice of sale in a newspaper of general circulation published in the city. (Ord. 1670, 4-28-2015)

6-9-3: RECEIPTS TO GENERAL FUND:

Any money received as a result of the sale shall be placed in the general fund of the city. (Ord. 1670, 4-28-2015)

6-9-4: DESTRUCTION:

Property deemed by the chief of police to have no monetary or salvage value may be destroyed after being held as provided for in section 6-9-1 of this chapter. (Ord. 1670, 4-28-2015)

6-9-5: PUBLIC USE:

If property described herein is deemed needed for public use, such property may be retained by the city and need not be sold. (Ord. 1670, 4-28-2015)

Chapter 10
SOUND AMPLIFYING EQUIPMENT

6-10-1: DEFINITION:

"Sound amplifying equipment" as used in this chapter means any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including such equipment when used in a normal and reasonable manner in or about the home, standard automobile radios when used and intended to be heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes. (Ord. 993, 8-11-1970)

6-10-2: PERMIT:

It shall be unlawful for any person to use or operate or permit the use or operation of any sound amplifying equipment out of doors or indoors when used or operated to reach persons out of doors, without first obtaining a written permit from the chief of police, with the exception of city parks, which shall require the approval of both the chief of police and director of community services. Such permit shall be issued, subject to the limitation hereinafter set forth in section 6-10-4 of this chapter, unless the permit requested is for a location within a zone of quiet which has been established as hereinafter provided. (Ord. 1657, 9-10-2013)

6-10-3: HOURS FOR OPERATION:

Sound amplifying equipment shall not be used or operated out of doors or indoors when used or operated to reach persons out of doors except between the hours of nine thirty o'clock (9:30) A.M. and six o'clock (6:00) P.M., the volume of sound shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility, shall not be used or operated within five hundred feet (500') of the city hall when the city council is in session or within five hundred feet (500') of any court while in session, and shall not be used or operated for the amplification of music in those areas of the city which are designated as residential districts by the zoning ordinance of the city. (Ord. 993, 8-11-1970)

6-10-4: ZONE OF QUIET:

It shall be unlawful for any person to use or operate or permit the use of, or operation of any sound amplifying equipment out of doors or indoors when used or operated to reach persons out of doors within a zone of quiet established by resolution of the council of the city, provided that signs indicating the existence of such zone of quiet have any record and are in place. (Ord. 993, 8-11-1970)

6-10-5: APPLICABILITY:

The only provisions of this chapter which shall apply to the use or operation of sound amplifying equipment by a hospital, church, school or educational institution when used or operated upon property owned or controlled by said hospital, church, school or educational institution by the provisions of section 6-10-3 of this chapter which limit the time of use or operation through the hours of nine thirty o'clock (9:30) A.M. and six o'clock (6:00) P.M. which require that the volume of sound shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility, and which prohibit the use or operation within five hundred feet (500') of the city hall when the city council is in session or within five hundred feet (500') of any court while in session. (Ord. 993, 8-11-1970)

Chapter 11
OUTDOOR MUSIC FESTIVALS; LARGE OUTDOOR PUBLIC GATHERINGS

6-11-1: MEASURES TO BE TAKEN:

The city council finds and declares that it is necessary for the protection of the health and welfare of the general public and the inhabitants of the city, that rules and regulations be established for the purpose of regulating outdoor music festivals or other large outdoor public gatherings within the city and that to ensure the public health and safety, proper sanitary, police, health and safety measures be provided to regulate outdoor music festivals or other large outdoor public gatherings. (Ord. 1001, 4-27-1971)

6-11-2: PERMIT REQUIRED:

It shall be unlawful for any person, persons, corporations, organizations, landowner, tenant or lessee to allow, permit, encourage, organize, promote, conduct or advertise any entertainment, game, show, exhibition, activity, amusement, gathering or assembly of persons within the city, where there will be presented outdoor live or recorded musical entertainment, or any other outdoor gathering, assembly or rally which said person, persons, corporation, organization, landowner, tenant or lessee believes or has reason to believe will attract five hundred (500) or more persons, unless a valid city permit is first obtained for the conducting and operating of such said activities. A separate permit will be required for each said activity. (Ord. 1001, 4-27-1971)

6-11-3: APPLICATION FOR PERMIT:

Written application for a permit to conduct and operate such an outdoor activity shall be made to the city council. Said application shall be submitted sixty (60) days or more prior to the date upon which said activity is to be, or may be, held. Application for the permits herein provided shall be conditionally approved or denied within forty five (45) days after the application has been filed. Failure by the city council to act within said period shall constitute approval of the application. If the application for the permit is not approved and the permit is denied, the denial shall be in writing setting forth the reasons for the denial. The decision of the city council shall be final. With each application for a permit to conduct an outdoor music festival or other large outdoor public gathering, the applicant shall pay a five hundred dollar ($500.00) application fee which shall be refunded only in the event the application is denied. (Ord. 1001, 4-27-1971)

6-11-4: APPROVAL OF PERMIT:

Whenever approval by a city government department, office or other agency is a condition for the issuance of a permit pursuant to application made therefor as set forth herein, the request to such department, office or other agency for such approval shall be made simultaneously with the filing of the application for the permit with the city council. Conditional approval or denial by said government department, office or agency shall be made within twenty five (25) days after request for permission has been filed with said government department, office or agency. Failure to act within said period by the government department, office or agency shall constitute its approval. (Ord. 1001, 4-27-1971)

6-11-5: CONDITIONAL APPROVAL:

When a physical facility is required or subject to approval hereunder, conditional approval may be granted upon the basis of specific plans and specifications proposed and submitted by the applicant for

permit. Any and all facilities required under the terms of any permit issued shall be in existence and in place at the location for which the permit is granted, ten (10) days or more before the date when said event is scheduled to take place and shall be subject to inspection and approval of the agencies, departments or offices whose approval is required. Inspection of any and all facilities referred to herein shall be approved or disapproved at least five (5) days preceding the event. Failure by the department or agency to act as herein required shall constitute an approval. If the facilities fail to meet the standards set forth in the plans and specifications therefor which have been conditionally approved, such conditional approval shall be withdrawn and any and all permits granted subject to such approval shall be cancelled and withdrawn. (Ord. 1001, 4-27-1971)

6-11-6: CONTENTS OF APPLICATION:

An application for a permit and the required accompanying documents shall be in six (6) copies and shall show:

(A) The owner, exact location, legal description and area of the premises on which it is planned to conduct the activities.

(B) The owner, exact location, legal description and area of all lands to be used for parking or other uses incidental to the activity.

(C) The date or dates and the hours during which the event is to be conducted.

(D) An estimate of the minimum and maximum numbers of customers, spectators, participants and other persons expected to attend the event for each day it is conducted, together with detailed information supporting such estimate.

(E) A detailed explanation of the applicant's program, plans and ability to supply potable water and facilities, food supply and facilities, sanitation facilities (including, but not limited to, sewage, garbage and rubbish), medical and first aid facilities and services, vehicle parking space, vehicle access, on site traffic control, evacuation plans for sick or injured persons and to comply with all conditions and regulations set forth in this chapter and in proposed permit conditions.

(F) A description of all loudspeakers and sound equipment to be used and the intensity of the sound, in decibels, at the boundaries of the premises.

(G) If it is proposed or expected that customers, spectators or participants will remain overnight, the arrangements for illuminating the premises and for camping or similar facilities.

(H) Provisions for cleanup of the premises and removal of rubbish after the event has concluded.

(I) Such other information pertinent to the event as the city council or any officer of the city finds is reasonably necessary and required in order to determine whether or not the permit should be granted.

(J) The name, age, residence, mailing address and telephone number of the applicant, and applicant's legal nature, such as individual, partnership, corporation, etc. If the application is made by a partnership, the names and addresses of all partners both general and special shall be included. If the applicant is a corporation, the application shall be signed by the president and secretary thereof, and 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. If the application is by a joint venture, the names and addresses of each member of the joint venture shall be included.

(K) Financial statement sufficient to give assurance of the ability of the applicants to meet the conditions of the permit.

(L) A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of illegal alcoholic and illegal drug consumption.

(M) A detailed explanation of the applicant's plans in the event more persons attempt to attend the event than is permitted by the particular permit involved.

(N) A consent to the entry at any time in the course of his duties of any peace officer, and any employee of the police department of the city, sheriff, health officer, and any other El Dorado County officer, and any city officer or employee, California highway patrol officer or state officer or employee, in the performance of his duties, including, but not limited to, inspection.

(O) The address of applicant within the state of California to which all notices and correspondence addressed to applicant shall be directed by the city. Any notice or correspondence addressed and mailed postage prepaid to said address shall be deemed received by applicant. (Ord. 1001, 4-27-1971)

6-11-7: COPIES TO BE FILED:

At the time of filing an application for a permit for such activity or event with the required fee and the items required by section 6-11-6 of this chapter, the applicant, at the same time, also shall file:

(A) Six (6) copies of white background prints of a map drawn to scale showing:

1. The location of the property on which the event is planned to occur.

2. The location of all highways, streets, alleys, lots and parcels of land within one thousand feet (1,000') of the exterior boundaries of the proposed use.

3. The location of the parking area and of all other areas to be used for other uses incidental to the event.

4. All interior accessways.

5. Access to the property.

6. The location and detailed plans of all buildings and structures on the premises or to be erected, including the bandstand, stage or other facility for performance.

7. The location of all loudspeakers.

8. The location of all toilet, medical, washing, drinking and other facilities required by this chapter.

(B) A certified list as shown on the latest available assessment roll of the county of the names and addresses of all persons to whom all property is assessed within five hundred feet (500') of the exterior boundaries of the proposed use.

(C) An agreement in writing signed by all property owners permitting such use of the premises to be used for both the activity and for parking, or a document showing that the applicant is the owner thereof.

(D) The agreements or contracts which show what doctors, first aid attendants and ambulances will be available at the premises.

(E) An agreement approved as to form by the city attorney and signed by the applicant or applicants that, within seventy two (72) hours after the conclusion of the event, he or they will clean up the premises and remove all trash, debris, garbage and other waste from in and around the premises. Such agreement shall be secured by an undertaking in a total amount of not less than five thousand dollars ($5,000.00). Said undertaking shall be in the form of a surety bond written by a corporate bonding company authorized to do business in the state of California. Said undertaking shall be filed with the city clerk within seven (7) days after the city council grants the permit. The city clerk shall not issue the permit until said undertaking is filed with him in a form approved by the city attorney.

(F) An agreement in writing, approved as to form by the city attorney and signed by the applicant or applicants and by the owner or owners of the subject premises (including both the premises where the event will be held and where the parking therefor will be located) that they will reimburse all owners and occupants of property adjoining the subject premises for all damages of any kind to such owners or occupants or to their property caused by the applicant or applicants, owner or owners of the subject premises, or by any person attending the event, which damage would not have occurred had the event not been held; and said agreement shall also state that said applicant or applicants and said owner or owners of the subject premises (including both the premises where the event will be held and where the parking therefor will be located) agree to indemnify the city and its officers, agents and employees, against any and all loss, injury, damage, claim, liability and cause of action, of any and every nature whatsoever arising out of, or in any way connected with said event and shall indemnify against loss, injury, damage, claim, liability and cause of action, to both person and property. (Ord. 1001, 4-27-1971)

6-11-8: INSURANCE POLICY REQUIRED:

The undertaking or insurance policy required herein shall be for the benefit of the city and its officers, agents, and employees and for the benefit of all persons to whom the permittee or owner may become liable. (Ord. 1001, 4-27-1971)

6-11-9: AMOUNT OF INSURANCE POLICY:

The undertaking or policy of insurance shall be in such an amount that the total shall not be less than one hundred thousand dollars ($100,000.00). Said security shall be filed with the city clerk within seven (7) days after the city council grants the permit. The city clerk shall not issue the permit for said activity until said security is filed with him in a form approved by the city attorney. (Ord. 1001, 4-27-1971)

6-11-10: PUBLIC HEARING:

Upon receipt of a complete application, including accompanying documents and the application fee, the city clerk shall with due diligence transmit the same to the city council and the city clerk at that time shall request the city council to set a time and date for a public hearing. The city council shall set the application for a public hearing at a regular meeting of the city council, not more than thirty (30) days thereafter. The city clerk shall thereupon give not less than ten (10) days' written notice thereof to the applicant by mail, postage prepaid, to the address set forth in the application. The city clerk shall also give written notice of the hearing and copies of the application to the police chief, the county health officer, the director of public works, the city attorney and the planning director who shall investigate the matter and report in writing to the city council not later than the time set for the hearing, with appropriate recommendations concerning the activity. At said hearing the applicant shall have the right to testify and to present other evidence. The city clerk shall also serve notice of the time and place of such hearing by publishing once in a newspaper of general circulation published in the city of Placerville, county of El Dorado, state of California, at least ten (10) days before said hearing, and shall also, not less than ten (10) days before such hearing, send written notice by mail of the time and place of hearing to all persons whose names and addresses appear upon the latest available assessment roll of the county as owning property within five hundred feet (500') of the exterior boundaries of the proposed use. (Ord. 1001, 4-27-1971)

6-11-11: GRANTING OF PERMIT:

If the city council finds that the applicant has complied with or will comply with the requirements of this chapter, it shall grant the permit, providing however, that said permit shall be revoked at any time the applicant fails to meet the conditions of this chapter. The permit shall state the maximum number of persons allowed to attend the event. If the city council finds that the applicant has not complied with this chapter and ordinances of this city applicable thereto, then the permit shall be denied. (Ord. 1001, 4-27-1971)

6-11-12: REGULATIONS WHICH MUST BE COMPLIED WITH BY EACH PERMITTEE:

(A) Drinking Water: The permittee shall provide a potable domestic water supply from a source approved by the health officer. Water shall not be dipped from a receptacle for drinking or cooking uses. All food concessions that handle other than packaged or bottled goods must be supplied with hot and cold running water under pressure and a means of disposing of wastewater.

If trucks are used to haul water into the site, they shall, prior to use, be cleaned and sterilized under the supervision of the county health department.

Water shall be provided for employees and spectators at the following rate per person per day: employees - thirty five (35) gallons; spectators - ten (10) gallons.

The approval of the county health officer of permittee's drinking water plans shall be a prerequisite to an issuance of a permit.

(B) Sanitary Facilities: Adequate toilet facilities for both sexes must be distributed throughout the grounds as follows: One water closet, chemical or sanitary privy unit, must be supplied for each two hundred fifty (250) persons.

Toilet facilities and accessories shall be maintained in a sanitary condition at all times and shall be cleaned at least twice each day.

Wastewater and sewage originating on the grounds must be disposed of by a system approved by the health officer.

The approval by the health officer of permittee's sanitary facilities plans shall be a prerequisite for the issuance of a permit. (Ord. 1001, 4-27-1971)

6-11-13: PARKING:

The permittee shall have on the premises, or contiguous thereto, automobile storage spaces equal to one-fourth ($^1/_4$) of the number of persons which the permit allows to attend the event unless the planning director finds that a smaller number is sufficient in which case the permittee may provide such lesser number. At all times between one hour before the beginning of the event and one hour after its termination, the permittee shall provide a sufficient number of parking attendants at all entrances, exits and within the parking lots. The approval by the planning director of the permittee's parking plans shall be a prerequisite to the issuance of a permit. (Ord. 1001, 4-27-1971)

6-11-14: GARBAGE, TRASH AND REFUSE:

The permittee shall demonstrate to the satisfaction of the health officer that the permittee has an adequate plan for the proper storage, collection and disposal of garbage, trash and refuse. All solid waste material shall be disposed of by the sanitary landfill method, and the event area and parking shall be returned to a litter free condition within seventy two (72) hours after the event is concluded, all to the satisfaction of the health officer. Every licensee shall be required to furnish at least one trash can with at least thirty two (32) gallons capacity for every twenty five (25) persons expected to be in attendance. Proof that the requisite quantity of trash and refuse receptacles will be available must be made to the health officer. The approval by the health officer of permittee's solid waste disposal plans is a prerequisite to the issuance of a permit. (Ord. 1001, 4-27-1971)

6-11-15: OPERATION OF EVENT:

The permittee shall operate the event only on those days and during the hours specified on the permit. (Ord. 1001, 4-27-1971)

6-11-16: ADMISSION:

Admission shall be by ticket only. The permittee shall not admit and shall prevent the entrance of any person who does not possess a ticket to the event, except a peace officer or other city or county public officer or employee or agent thereof. The permittee shall not sell, give, or distribute a greater number of tickets than the number which the permit allows to attend. (Ord. 1001, 4-27-1971)

6-11-17: ADVERTISING:

A person shall not advertise or announce by any means or medium, including, but not confined to, pamphlets, handbills, newspapers, radio and television, the holding of such an event prior to the granting of a permit. (Ord. 1001, 4-27-1971)

6-11-18: FOOD AND DRINK:

The permittee shall be required to provide food and drink service facilities to adequately feed the number of persons allowed by permit. In selling, preparing, delivering or serving food or beverage, or both, all persons shall comply with the California restaurant act, chapter 11, beginning with section 28590 of division 21 of the Health and Safety Code of the state of California, and also with the city of Placerville ordinance code, all to the satisfaction of the health officer. The approval of the health officer of permittee's food and beverage plans is a prerequisite to the issuance of a permit for an outdoor music festival or other large outdoor public gathering. (Ord. 1001, 4-27-1971)

6-11-19: MEDICAL COVERAGE OF PERFORMERS:

The permittee shall be responsible for making adequate plans for medical coverage of performers, employees, participants, customers and spectators.

There shall be at least one physician per one thousand (1,000) persons available on site all the time during preparation and performance of the outdoor festival or other large outdoor public gathering. Adequate medical supply, including personnel and material for first aid and minor emergency surgery, shall be available on site. An adequately protected area shall be set aside for the purpose of medical care. An area suitable for recovery from reaction to drug abuse shall be available. The permittee shall furnish one ambulance per each one thousand (1,000) persons at said event.

The permittee's plans for the above medical preparedness shall be subject to the approval by the county health officer and such approval is a prerequisite to the issuance of a permit. (Ord. 1001, 4-27-1971)

6-11-20: ELECTRICAL ILLUMINATION:

Every permittee planning an event after dark, or planning to allow persons who attend the public amusement to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. The planning director must approve an applicant's lighting plans as a prerequisite to issuance of a permit.

A permittee shall be required to illuminate specific areas on the premises in accordance with the

following scale of lighting intensity:

Open areas reserved for spectators	10 foot-candles
Stage areas	100 foot-candles
Parking and overnight areas	5 foot-candles
Restroom and concession areas	50 foot-candles

(Ord. 1001, 4-27-1971)

6-11-21: COMPLIANCE WITH ZONING REGULATIONS:

Permittee shall comply with all applicable zoning regulations of the city. (Ord. 1001, 4-27-1971)

6-11-22: PERMIT NOT TRANSFERABLE:

No permit granted under the provisions of this chapter shall be transferable to another location, another person or entity, or another set of dates. (Ord. 1001, 4-27-1971)

6-11-23: PERMITS TO BE OBTAINED:

Prior to doing any construction, excavation, grading or encroachment required for said event, the permittee or applicant shall obtain from the city all necessary permits therefor. (Ord. 1001, 4-27-1971)

6-11-24: CAMPING AND OVERNIGHT FACILITIES:

Every permittee of an event which will last more than one day or at which persons will remain overnight on the premises, shall provide camping facilities and overnight areas. Plans for such must be approved by the health officer and comply with division 5, title 25, of the California Administrative Code, "incidental camp areas". (Ord. 1001, 4-27-1971)

6-11-25: UNLAWFUL TO PERMIT GATHERING:

A person who allows, permits, encourages, organizes, promotes, conducts or advertises any entertainment, game show, exhibition, activity, amusement, gathering or assembly of persons within the corporate limits of the city where there is presented outdoor live or recorded musical entertainment in violation of this chapter, is guilty of a misdemeanor.

Provisions of this chapter shall not apply to any events conducted and supervised or cosponsored by any public school or other governmental body. (Ord. 1001, 4-27-1971)

6-11-26: URGENCY ORDINANCE:

It has come to the attention of the city council that there is a proposed music festival to be held within the next thirty (30) days in the city. There is at present no ordinance regulating this type of activity. Without an ordinance regulating music festivals and large outdoor public gatherings, there is no adequate safeguard that proper sanitary facilities will be available or that proper precautionary measures can be taken to care for crowd control, police and fire protection, and that sufficient money or surety bond be available to compensate any property owner for possible property damage. For the above reasons, this chapter is necessary for the public health, safety and welfare, and is therefore declared to be an urgency ordinance. (Ord. 1001, 4-27-1971)

Chapter 12
PARADES

6-12-1: TITLE:

This chapter shall be known and may be cited as the *PARADE ORDINANCE OF THE CITY OF PLACERVILLE*. (Ord. 1002, 6-22-1971)

6-12-2: DEFINITIONS:

CHIEF OF POLICE: The chief of police of the city of Placerville.

CITY: The city of Placerville.

PARADE: Any parade, march, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

PARADE COMMITTEE: The chief of police, the fire chief, the director of public works, the city administrator, one downtown merchant, and one city council member.

PARADE PERMIT: A permit as required by this chapter.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 1002, 6-22-1971; amd. Ord. 1412, 4-28-1987)

6-12-3: PERMIT REQUIRED:

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the parade committee.

(A) Exceptions: This chapter shall not apply to:

1. Funeral processions conducted by a state of California licensed mortuary;

2. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

3. A governmental agency acting within the scope of its functions. (Ord. 1002, 6-22-1971)

6-12-4: APPLICATION:

A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

(A) Filing Period: An application for a parade permit shall be filed with the chief of police not less than thirty (30) days nor more than sixty (60) days before the date on which it is proposed to conduct the parade.

(B) Contents: The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade;

2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

4. The date when the parade is to be conducted;

5. The route to be traveled, the starting point and the termination point;

6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of vehicles;

7. The hours when such parade will start and terminate;

8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

9. The location by streets of any assembly areas for such parades;

10. The time at which units of the parade will begin to assemble at any such area or areas;

11. The interval of space to be maintained between units of such parade;

12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the parade committee a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

13. The purpose of the parade.

(C) Late Applications: The parade committee, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade is proposed to be conducted. (Ord. 1002, 6-22-1971)

(D) Fee: There shall be paid at the time of filing an application for a parade permit a fee as set by resolution of the city council. There shall be no fee if the parade is for the purposes of promoting the city or youth organizations of the city. (Ord. 1300, 5-25-1982)

6-12-5: STANDARDS FOR ISSUANCE:

The parade committee shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(C) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(E) The conduct of such parade will not interfere with movement of firefighting equipment en route to a fire;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The parade is not to be held for the purpose of advertising any produce or goods and is not designated to be held for private profit. (Ord. 1002, 6-22-1971)

6-12-6: NOTICE OF REJECTION:

The parade committee shall act upon the application for a parade permit within five (5) days after the filing thereof. If the parade committee disapproves the application, they shall mail to the applicant within five (5) days after the date upon which the application was filed, a notice of its action, stating the reasons for its denial of the permit. (Ord. 1002, 6-22-1971)

6-12-7: APPEAL PROCEDURE:

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council.

The appeal shall be taken within ten (10) days after notice. The city council shall act upon the appeal within twenty one (21) days after its receipt. (Ord. 1002, 6-22-1971)

6-12-8: ALTERNATIVE PERMIT:

The parade committee, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the parade committee, file a written notice of acceptance with the parade committee. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this chapter. (Ord. 1002, 6-22-1971)

6-12-9: NOTICE TO CITY AND OTHER OFFICIALS:

Immediately upon the issuance of a parade permit, the parade committee shall transmit a copy thereof to the mayor and the city council. (Ord. 1002, 6-22-1971)

6-12-10: CONTENTS OF PERMIT:

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the streets to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Such other information as the parade committee shall find necessary to the enforcement of this chapter. (Ord. 1002, 6-22-1971)

6-12-11: DUTIES OF PERMITTEE:

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(A) Possession Of Permit: The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. (Ord. 1002, 6-22-1971)

6-12-12: PUBLIC CONDUCT DURING PARADES:

(A) Interference: No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) Driving Through Parades: No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(C) Parking On Parade Route: The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, sidewalk, alley, parking lot or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation thereof.

(D) Loud Noise: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle along the route of the parade except as a danger warning, the racing of motors of any automobile, motorcycle or other vehicle parked along the route of the parade in such manner as to create a loud and unnecessary noise which annoys or disturbs the animals in the parade or is annoying or disturbing to the general public watching the parade shall be unlawful. (Ord. 1002, 6-22-1971)

6-12-13: REVOCATION OF PERMIT:

The parade committee shall have the authority to revoke a parade permit issued hereunder if the standards for issuance as herein set forth are not complied with by the permit holder. (Ord. 1002, 6-22-1971)

6-12-14: SEPARABILITY:

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. (Ord. 1002, 6-22-1971)

6-12-15: URGENCY:

Each summer the city of Placerville has a parade in connection with "Wagon Train" which is an event for the promotion of the greater Placerville area. Animals participate in this parade. Each year this event draws more attention and brings more people. Recent occurrences in another Mother Lode community make it apparent that there should be regulations for the purpose of controlling the

vehicular traffic during a parade and to further control unnecessary, loud noises from vehicles which possibly could disturb the animals participating in the parade and would make it impossible for the general public to enjoy the parade activities. For the above reasons this chapter should be declared as an urgency ordinance so as to be in effect at the time of the Wagon Train Parade and this will be for the best interest of the general public health, safety and welfare. (Ord. 1002, 6-22-1971)

Chapter 13
RESERVE POLICE OFFICERS

6-13-1: DUTIES AND SERVICES:

The purpose of the reserve police shall be to cooperate with and assist the police department of the city under the orders and direction of the chief of police, in the enforcement of law and order during any and all emergencies declared to exist within the city by the chief of police.

Reserve officers shall render police services upon occasions when, in the opinion of the chief of police, such augmentation to the regular department is essential to the public welfare and safety. They shall exercise police powers when circumstances make it expedient to preserve order and/or to protect life and property pending the arrival of regular police officers. (Ord. 1663, 8-26-2014)

6-13-2: SALARIES:

Reserve officers shall receive financial remuneration for services rendered during specific events or assignments as directed by the chief of police.

The maximum rate of pay shall be equal to the hourly rate of a step A police officer without fringe benefits. (Ord. 1663, 8-26-2014)

6-13-3: EXECUTIVE OFFICER:

The chief of police shall be the executive officer of the Placerville police department reserve. (Ord. 1663, 8-26-2014)

6-13-4: COORDINATOR:

The coordinator of the reserve police shall be appointed from within the regular department to serve at the will and pleasure of the chief of police. (Ord. 1663, 8-26-2014)

6-13-5: RESPONSIBILITY:

The coordinator shall be responsible for the execution of all orders and rules governing the reserve police. The coordinator shall have the power to enforce all orders, written or verbal, issued by the chief of police. Members shall be governed by, and comply with, the provisions contained within the Placerville police department operations manual. (Ord. 1663, 8-26-2014)

Chapter 14
BURGLARY AND ROBBERY EMERGENCY ALARM SYSTEMS

6-14-1: PURPOSE:

The immediate preservation of the public safety, health, and welfare required the adoption of this chapter. The public has purchased alarm systems which have malfunctioned, causing an increase in the false alarm reports which require an immediate response of emergency service units subjecting the general public to a dangerous situation. (Ord. 1243, 11-25-1980)

6-14-2: DEFINITIONS:

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

ALARM AGENT: Any person who is employed by an alarm business operator, either directly or indirectly, who does not respond to activated alarms but whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, installing, replacing, or moving on or in any building, structure or facility, any alarm system.

ALARM BUSINESS: The business of any person consisting of: selling and installing, maintaining, servicing, altering, replacing or moving any alarm system or component parts thereof in or on any building, structure or facility, or responding to alarm systems.

ALARM BUSINESS OPERATOR: Any person who operates any business engaged in the sale and installation, maintenance, alteration, or servicing of the alarm systems, or which responds to such alarm systems. Alarm business operator shall not include a business which merely sells from a fixed location or manufactures alarms systems, unless such business services, installs, monitors, or responds to alarm systems at protected premises.

ALARM SYSTEM: Any mechanical or electrical device designed to detect, or enable a person to notify others of, an unauthorized intrusion onto certain premises or the existence of an emergency on such premises, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute alarm systems within the meaning of this subsection:

(A) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;

(B) Devices which are not installed, operated or used for the purpose of reporting an emergency to the police;

(C) Alarm devices affixed to motor vehicles; and

(D) Alarm devices installed on a temporary basis by the police department.

ANSWERING SERVICE: A telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems, and the subsequent immediate relaying of said messages by live voice to the communication center.

AUTOMATIC DIALING DEVICE: An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

CENTRAL STATION: An office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

DIRECT LINE: A telephone line leading directly from a central station to the communication center, where said line is used only to report emergency signals on a person to person basis.

EMERGENCY: The commission or attempted commission of a robbery or burglary.

FALSE ALARM: The activation of an alarm system which results in a response by the police where an emergency does not exist. False alarms which fall into the following two (2) categories shall not be counted against a permittee under subsection 6-14-11(B)2 of this chapter for the purposes of suspension or revocation of an alarm system permit:

(A) False alarms which the permittee can demonstrate in accordance with the provisions of subsection 6-14-11(B)2 of this chapter, were proximately caused by hurricanes, tornadoes, earthquakes, or other violent acts of nature;

(B) False alarms which the permittee can demonstrate, in accordance with the provisions of subsection 6-14-11(B)2(a) of this chapter, were actually caused by the act of some person other than:

1. The permittee for the purpose of this subsection, the term "permittee" shall include officers, agents, employees, independent contractors, and any other persons subject to the direct or indirect control of the permittee;

2. The person who installed, connected, operated, maintained or serviced the alarm system;

3. The manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors and any other persons subject to the direct or indirect control of the manufacturer.

INTERCONNECT: To connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

MODIFIED CENTRAL SYSTEM: An office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to investigate alarm signals.

PERMITTEE: The person to whom an alarm system permit is issued.

PERSON: Shall include natural persons, without regard to number or gender, any partnership,

corporation, and any other type of legal entity.

PRIMARY TRUNKLINE: A telephone line leading directly into the communication center for the purpose of handling emergency calls on a person to person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company, covering the service area within the police department's jurisdiction.

SIREN: Any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in section 21055 of the California Vehicle Code.

SPECIAL TRUNKLINE: A telephone line leading into the communication center and having the primary purpose of handling emergency signals or messages originating through a central station, modified central station or answering service. (Ord. 1243, 11-25-1980)

6-14-3: BUSINESS LICENSE REQUIRED:

(A) Alarm Business: No person shall engage in, carry on, conduct or operate an alarm business without having been issued a business license therefor and having paid the annual business license fee in the amount provided for by resolution. No business license, which is required hereunder, shall be renewed for any operator of an alarm business who does not possess a valid, unexpired and unrevoked alarm company operator's license issued by the department of consumer affairs, state of California. Nor shall any business license required hereunder be issued in the first instance, if at the time of applying therefor, the department of consumer affairs, state of California, requires such applicant to possess an alarm company operator's license issued by the department of consumer affairs, state of California, and the applicant for business license does not possess such alarm company operator's license. Any business license issued pursuant to the provisions of this section shall be automatically suspended, and it shall be unlawful for any alarm business operator to perform any work covered by such business license during any period in which said license issued by the department of consumer affairs, state of California, is suspended or revoked or is not renewed after the expiration thereof.

(B) Alarm Agent And Responding Alarm Agent: No person shall act as alarm agent or responding alarm agent without having previously registered as an alarm agent or responding alarm agent with the department of consumer affairs, state of California. Any person acting as an alarm agent or responding alarm agent must, prior to performing any duties of an alarm agent or responding alarm agent, show his registration cards, issued by the department of consumer affairs, state of California, to the chief of police or his representative. (Ord. 1243, 11-25-1980)

6-14-4: PERMIT REQUIRED:

No person shall install, connect, operate or maintain, or cause to be installed, connected, operated or maintained, an alarm system upon any property of which such person is in possession without first obtaining an alarm system permit therefor in accordance with the provisions of this chapter. Any such person who installs, connects, operates or maintains, or who causes to be installed, connected, operated or maintained an alarm system without first obtaining a permit as required by this section or who, after having a permit revoked or suspended, fails to disconnect an audible alarm or, in the case of silent alarm, continues to relay emergency signals to the communications center, shall be in violation of this chapter. (Ord. 1243, 11-25-1980)

6-14-5: APPLICATION FOR PERMIT:

(A) All applications for alarm system permits shall be filed with the chief of police on such forms as may be prescribed. Such applications shall contain the name, address and telephone number of the person who will respond to an alarm, or render service or repairs to the alarm system during any hour of the day or night and such additional information as the chief of police shall reasonably deem necessary for the evaluation and proper processing of the permit application.

(B) Any person who operates or maintains more than one alarm system under any particular property may, at his option, apply for a single permit for that particular property or for separate permits for each alarm system operated or maintained; provided, however, that if such a person chooses to secure a separate permit for each alarm system a separate application shall be submitted for each such system and a separate permit fee shall accompany each such application. (Ord. 1243, 11-25-1980)

6-14-6: FEES:

(A) Every application for an alarm system permit shall be accompanied by a nonrefundable permit fee which shall be established by resolution of the city council. The fee is established to cover the cost of processing the applications and permits and shall be in addition to any other permit fee imposed by this code.

(B) Every applicant shall be given a receipt for the aforesaid permit fee at the time such fee is paid. The receipt shall serve as a temporary alarm system permit for a period not to exceed forty five (45) days from the date on which said permit fee was paid, and shall be of no force or effect after the forty five (45) days period expires, or after the alarm system permit is issued by the chief of police, whichever occurs sooner. (Ord. 1243, 11-25-1980)

6-14-7: ISSUANCE OF PERMIT:

Alarm system permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect. (Ord. 1243, 11-25-1980)

6-14-8: EXPIRATION OF PERMIT:

Each alarm system permit that is issued shall expire one year after the date of issuance. The date of issuance shall be the date shown on the alarm system permit issued by the issuing authority. Upon expiration of an alarm system permit, a new permit shall be secured in the manner specified by section 6-14-5, subsection 6-14-6(B), sections 6-14-7 and 6-14-9 of this chapter. (Ord. 1243, 11-25-1980)

6-14-9: RENEWAL FEES:

The fee for the renewal of an alarm system permit shall be established by resolution of the city council. (Ord. 1243, 11-25-1980)

(A) Alarm permits shall be renewed on the anniversary date of said permit.

(B) Thirty (30) days prior to said renewal date the permittee shall be notified in writing by the city that the permit is due for renewal.

(C) If said permit is renewed within said thirty (30) day period, no fee shall be charged for said renewal.

(D) In the event said permit is not renewed during said thirty (30) day period, the permittee shall be required to submit an application for reinstatement of said permit and shall be required to pay the permit fee as set by resolution establishing alarm permit fees. (Res. 4372, 10-23-1984)

6-14-10: TRANSFERABILITY OF PERMIT:

Any alarm system permit issued in accordance with the provisions of this chapter shall be valid only for the permittee named on the permit, and only for the particular alarm system or systems specified on the permit. No alarm system permit shall in any manner be transferred or assigned without the written consent of the chief of police. Any request to transfer an alarm system permit shall be made only upon such form as the chief of police may prescribe and shall be accompanied by a nonrefundable fee of five dollars ($5.00). Transfer of an alarm system permit shall in no way affect the date of expiration of said permit. False alarm previously charged to the transferor shall not be charged to the transferee; provided, however, that the chief of police may deny any request to transfer an alarm system permit where, after reasonable investigation, it appears that the transfer is requested for the purpose of allowing the transferor to evade responsibility for prior false alarms. (Ord. 1243, 11-25-1980)

6-14-11: SUSPENSION AND REVOCATION OF PERMIT:

(A) Hearings: No alarm system permit shall be suspended or revoked under this section until a hearing shall have been held by the chief of police, or a designated representative. Written notice of the time and place of such hearing shall be served upon the permittee, and upon the person who renders service or repairs to the permittee's alarm system as designated on the permittee's application, at least ten (10) days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied upon for suspending or revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by depositing the same in the U.S. mail in a sealed envelope postage prepaid, addressed to such person to be notified at the address shown on the permit application.

(B) Grounds: The following shall constitute the exclusive grounds for suspension or revocation of an alarm system permit:

1. The violation of any of the provisions of this chapter.

2. Where an alarm system actuates excessive false alarms. An alarm system shall be deemed to actuate excessive false alarms where there are three (3) false alarms within thirty (30) consecutive days, five (5) false alarms within ninety (90) consecutive days or six (6) false alarms within one hundred eighty (180) consecutive days. If a permittee presents sufficient proof that a particular false alarm was caused by an event or act specified in subsections (A) and (B) of the definition of "false alarm" in section 6-14-2 of this chapter, said false alarm shall not be counted

against the permittee in determining whether the permittee's alarm system actuated excessive false alarms.

(a) If the chief of police or designated representative, determines that an alarm system has generated excessive false alarms, the permittee responsible for such alarm system shall have his permit suspended for fifteen (15) days. On the sixteenth day following such a suspension, the suspended permit shall be restored by operation of law.

(b) If the chief of police, or designated representative, determines that an alarm system has generated excessive false alarms, and if he further finds that the permittee responsible for such alarm system has had his permit suspended during the twelve (12) months prior to the date on which the hearing is held, the permittee shall have his permit revoked.

3. The violation of any condition imposed by the chief of police upon an alarm system permit issued in accordance with section 6-14-12 of this chapter.

(C) Appeals: Any permit holder aggrieved by the decision of the issuing authority in suspending or revoking an alarm system permit may appeal such decision to the city council.

Notice of appeal shall be filed in writing with the city clerk not later than ten (10) days after said suspension or revocation. During the pendency of said appeal to the council the permit shall remain in effect.

The city shall either conduct a hearing on said appeal or refer said appeal to a hearing officer who shall conduct the hearing within thirty (30) days of the filing of said appeal. (Ord. 1243, 11-25-1980)

(D) Notices:

1. Notwithstanding the foregoing provisions, after the police department has recorded two (2) false alarms in any quarter of any calendar year, generated by any alarm user permit holder, the permit holder and the alarm company maintaining the alarm annunciator panel at the communication center shall be notified either by personal delivery or first class mail that police response to any further false alarms will result in a charge for each such response.

2. The response to a second or subsequent false alarm by any alarm user not possessing a valid permit as required by this chapter and, after said user has been once warned/advised by letter or citation of the permit requirements and no permit having still been issued shall result in a charge for each such response.

3. The fee for police response as provided herein shall be set by resolution of the city council. (Ord. 1300, 5-25-1982)

6-14-12: REAPPLICATION AFTER REVOCATION:

Any person whose alarm system permit is revoked may reapply for a new alarm system permit, but only in accordance with the procedures set forth in this section.

(A) Reapplication: All reapplications shall be submitted directly to the chief of police, or to that person whom the chief of police designates as the alarm officer, on such forms as may be prescribed.

(B) Fees: Every reapplication for an alarm system permit shall be accompanied by a nonrefundable permit fee which shall be established by resolution of the city council. The fee is established to cover the cost of processing the reapplications and permits and shall be in addition to any other permit fee imposed by this code.

(C) Investigation: The chief of police, or designated representative, shall investigate each reapplication to determine whether the grounds for the prior revocation have been eliminated, or are not likely to occur again in the future. Such investigation may include, but shall not be limited to, an on site investigation of the alarm system; an examination of the alarm system and any specifications, diagrams, or descriptions pertaining thereto; and a prescribed test period of reasonable duration.

(D) Issuance Of Permit: If, after investigation, and in his sole discretion, the chief of police determines that the grounds for the prior revocation have been eliminated, or that such grounds are not likely to occur again in the future, an alarm system permit shall be issued to the person who is in possession of the property which the alarm system is designed to protect. The chief of police may attach such conditions to an alarm system permit as he deems reasonably necessary to ensure that the permittee will comply with the provisions of this chapter.

(E) Appeals: Any person whose reapplication for an alarm system permit is denied by the chief of police may appeal such denial to the city council, in accordance with the procedure set forth in subsection 6-14-11(C) of this chapter. (Ord. 1243, 11-25-1980)

6-14-13: REGULATIONS, REQUIREMENTS AND DUTIES:

(A) Alarm System Requirements: No alarm system shall be installed or connected on or after the date this chapter becomes effective which emits the sound of a siren. Any alarm system which emits the sound of a siren, and which is installed and in operation prior to the date this chapter becomes effective, shall have that part of the alarm system which emits the sound of a siren disconnected within one hundred eighty (180) days from the date this chapter becomes effective.

(B) Audible Alarm System Requirements: Any alarm system which is installed or connected on or after the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have as part of the system an automatic shutoff that will deactivate the audible portion of the system within fifteen (15) minutes after it is first activated. Any alarm system which is installed and in operation prior to the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have such an automatic shutoff device installed and in operation within one year after the date this chapter becomes effective.

(C) Display Of Alarm System Permit: Every alarm system permit shall be kept on the premises where the alarm system is located.

(D) Automatic Dialing Device Regulations:

1. No automatic dialing device shall be interconnected to a primary trunkline of the communications center or police department after the effective date of this chapter.

2. Within sixty (60) days after the effective date of this chapter, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The owner or lessee of

such device shall be responsible for having the device disconnected within the sixty (60) day time period.

3. Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

(a) A central station; or

(b) A modified central station; or

(c) An answering service.

4. The relaying of messages to the communications center by a modified central station or an answering service shall be over a special trunkline unless the special trunkline is unavailable; the relaying of messages by a central station may be over a direct line.

5. No automatic dialing device may be interconnected to the telephone company operator.

(E) Response Required: When an alarm system has been activated, the alarm business and/or the permittee shall have an alarm agent and/or other person in responsible control present at the location within thirty (30) minutes after being requested to do so by a representative of the communications center and/or Placerville police department.

(F) Power Supply: All alarm systems shall be equipped with an uninterruptible power supply in such a manner that the failure or interruption of normal electrical utility power shall not activate the alarm system. This power supply must be capable of at least four (4) hours of operation.

(G) Notification Card Required: All premises having an alarm permit system permit shall file and keep current an emergency notification card with the Placerville police department.

(H) Notice Of Name Of Servicer Or Occupant: Every audible alarm system shall have a sign or notice posted on or near the audible device with the name and telephone number of the person or company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building. All silent alarm systems shall have a notice on the premises which provides the same information. (Ord. 1243, 11-25-1980)

6-14-14: VIOLATION OF CHAPTER:

(A) Penalties: Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in California Penal Code section 19. (Ord. 1578, 8-28-2001)

(B) Enforcement: The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve such person from paying the permit fee due and unpaid at the time of such conviction, nor shall payment of any permit fee prevent criminal prosecution for violation of any of the provisions of this chapter. All remedies 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. The amount of any

permit fee shall be deemed delinquent thirty (30) days after it is due and payable. (Ord. 1243, 11-25-1980)

6-14-15: CONFIDENTIALITY:

The information furnished and secured pursuant to this chapter shall be confidential in character, shall not be subject to public inspection, and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this chapter; it is hereby declared that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information. (Ord. 1243, 11-25-1980)

6-14-16: APPLICABILITY TO EXISTING ALARM SYSTEMS:

The provisions of this chapter shall apply to all alarm systems which were installed, connected, operated or maintained on or prior to the date on which this chapter becomes effective; provided, however, that the permits required for such alarm systems under section 6-14-4 of this chapter shall be obtained within ninety (90) days from and after the date on which this chapter becomes effective. (Ord. 1243, 11-25-1980)

6-14-17: SEVERABILITY:

If any section or part of any section of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the remainder hereof not hereby invalidated shall remain in full force and effect. The council of the city hereby declares that it is the intent of such council that it would have passed all other portions of this chapter independent of the elimination therefrom of any such portion as may be declared invalid. (Ord. 1243, 11-25-1980)

6-14-18: APPLICABILITY OF CALIFORNIA BUILDING STANDARDS CODE:

No provisions of this chapter shall be construed as preempting the requirements and/or regulations of the California building code or title 4, chapter 1 of this code. (Ord. 1642, 6-14-2011)

Chapter 15
PRIVATE PATROL SERVICE REGULATIONS

6-15-1: APPLICATION FOR PATROL SERVICE PERMIT:

Before any person shall engage in the business of maintaining any patrol service or patrol system, or patrolling any district, he shall make an application in writing to the chief of police for permission to engage in such business, and describe therein the district in which he shall desire to operate. (Ord. 1075, 7-8-1975)

6-15-2: INVESTIGATION:

Said application shall be made to the chief of police, who shall cause an investigation to be made concerning the conditions prevailing within the district designated in any such application, whether already supplied with sufficient patrol service, patrol system, guard or watchman, and shall see that the applicant has complied with all of the following requirements.

(A) Contents: Said application shall be signed and verified by the applicant, and shall specify his name, business address, residence address, and the numbers of any telephones maintained by him, the length of his residence in Placerville, the location of his last place of business, and the name and character of said business, and the length of time he was engaged therein, and the names and addresses of three (3) persons residing within said city as references.

(B) Surety Bond: Said application must be accompanied by a surety bond, the form of which shall be approved by the city attorney, and the penal sum of which must be one thousand dollars ($1,000.00).

(C) Condition Of Bond: The condition of each bond must be substantially such that the principal therein named will faithfully conform to the code of the city, and to each and all laws of the state, whether then in force, or which may thereafter be adopted, relating to the business of the applicant.

(D) Liability On Bond: The principal and sureties named in said bond, and their successors and assigns, shall be jointly and severally bound unto the city, and unto any and every person aggrieved or damaged by the breach of the conditions of said bond; and said bond shall not be void upon the said recovery, but may be sued and recovered upon, from time to time, by any person, aggrieved or damaged, until the whole penalty is exhausted.

(E) Additional Bond: In the event that the total liability of the sureties upon such bond falls below one thousand dollars ($1,000.00), applicant shall furnish an additional bond to keep the liability at a minimum of one thousand dollars ($1,000.00).

(F) Motor Vehicle Insurance: If the applicant intends to, or does operate any motor vehicle in the conduct of his business, he shall file with the city clerk an insurance policy covering such motor vehicle, which said insurance shall include public liability to the extent of ten thousand dollars ($10,000.00) for the death or injury of one person, twenty thousand dollars ($20,000.00) for the death or injury of two (2) or more persons, and property damage in the sum of two thousand dollars ($2,000.00).

(G) Issuance Of Permit: If satisfied that the statements and references contained in said application are true and that application has been approved as hereinafter provided, and upon applicant's compliance with all the requirements of this chapter, the chief of police shall cause to be issued to applicant a permit hereunder, subject to the terms and conditions outlined in section 6-15-3 of this chapter.

(H) Information Required: Said permit holder shall file with the chief of police, prior to the employment of any person, the applicant's description, photograph, and fingerprints, accompanied by at least two (2) letters of recommendation.

Any person employed by a permit holder shall be approved by the chief of police before being regularly employed; said employee to be removed for any reasonable cause offered by the chief of police.

(I) Length Of Permit: All permits shall be issued for one year, and only after being approved and countersigned by the chief of police. (Ord. 1075, 7-8-1975)

(J) Investigation Fee: The applicant shall pay an investigation fee as set by resolution of the council. (Ord. 1300, 5-25-1982)

6-15-3: TERMS AND CONDITIONS:

(A) Said patrol service or patrol system or public guards shall be operated and conducted under the general supervision of the chief of police.

(B) Said chief of police shall regulate the style and color of uniform to be used by said patrol system or patrol service or public guard. This will include, but not be limited to:

1. Patches: The patch will be oval in shape with one-half inch ($^1/_2$") lettering giving the name of the company and the words "Private Patrol".

2. Badges And Cap Pieces: The patrol service, system, or public guard may not wear badges resembling a star nor including a seal or emblem. This must be a plain badge with the name of the company and the words "Private Patrol" placed on both.

3. Rank And Title: The members of the patrol service or system or public guard shall not hold rank nor title nor wear insignia (stripes, bars, etc.) similar to the police services.

4. Vehicles: The color of the vehicles is not to be black, black and white, gold, gold and white, brown, brown and white, or white. No vehicle is to have white door panels. No seals or decals are to be placed on the vehicle, but the name of the company and the words "Private Patrol" must be placed on the side of the doors and the rear of the vehicle. Lettering will be not less than two and one-half inches ($2^1/_2$") in height and the lettering shall be in contrast to the color of the background upon which it is placed.

(C) Any such permit and any license issued pursuant thereto may at any time be revoked by the chief of police for cause shown, after notice to the holder thereof and an opportunity to be heard shall have been given.

(D) That the persons operating any patrol service or system in the city of Placerville shall have complied with an act to license and regulate the business of private detectives and detective agencies, being a law of the state of California. (Ord. 1075, 7-8-1975)

6-15-4: LICENSE FEE:

Every person, firm or corporation as herein provided conducting or operating any patrol system or

patrol service shall pay, in lieu of any other business license of the city, a license fee to the city of Placerville of twenty five dollars ($25.00) per annum, payable yearly.

Every person, firm, or corporation as herein provided performing the function of a public guard shall pay, in lieu of any other business license of the city, a license fee to the city of Placerville of ten dollars ($10.00) per annum, payable yearly. (Ord. 1075, 7-8-1975)

6-15-5: VIOLATION:

Any person violating or causing to be violated any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in addition to having all permits and licenses canceled, the fine not exceeding five hundred dollars ($500.00), or shall be punishable by imprisonment in the county jail of the county of El Dorado for not more than six (6) months, or by both such fine and imprisonment. (Ord. 1075, 7-8-1975)

Chapter 16
WEAPONS

6-16-1: APPLICABILITY OF CHAPTER:

No portion of this chapter shall prohibit the possession of any firearm, or any ordinary air rifle or pellet gun, or any ammunition for such weapons if carried pursuant to a valid permit issued by a duly authorized government agency or lawfully carried for purposes of gun safety training, hunting, fishing or other lawful sport. (Ord. 1490, 4-14-1992)

6-16-2: CHAPTER SUPPLEMENTAL TO STATE LAW:

The purpose in passing this chapter is to supplement state law regulating and controlling deadly weapons, Penal Code, section 12000, et seq. (Ord. 1490, 4-14-1992)

6-16-3: DISCHARGE OF FIREARMS:

It shall be unlawful in the city to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting or operating of any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge shell, ammunition or device containing any explosive substance devised or intended to be used or fired from any gun, revolver, pistol or firearm, except when it may be necessary to do so to protect life or property, or to destroy or kill any predatory or dangerous animal, or in the hunting of game with a shotgun within the boundaries of a hunting or game club or game farm and the pellets discharged from such shotgun do not exceed the size of no. 2 shot; or in the enforcement of any law by any peace officer, and except when used at any pistol or rifle range in accordance with rules and regulations approved by the police department and the city council in connection with the operation of such pistol or rifle range. (Ord. 1490, 4-14-1992)

6-16-4: CONFISCATION AND DESTRUCTION:

Any dangerous or deadly weapon possessed or controlled in violation of the California Penal Code by any person shall be confiscated by the chief of police and upon a plea of guilty or upon the conviction thereof in the case of an adult or upon the findings of the allegation to be true in the case of a juvenile, shall be destroyed by the chief of police after such plea, after judgment of conviction becomes final, or after the allegations are found to be true. (Ord. 1490, 4-14-1992)

6-16-5: EXEMPTION:

The provisions of this chapter shall not apply to the discharge of a firearm using blank ammunition in the course of a skit or theatrical presentation, whether indoors or outdoors, provided that said firearm and blank ammunition which is to be used in the skit or theatrical presentation is inspected and approved prior to its use by the chief of police of the city or his appointed designee and, in the event of a case of a continuing performance, the firearm and ammunition must be inspected prior to the initial performance only. In the case of a continuing performance, only the firearm and blank ammunition inspected by the chief of police of the city or his appointed designee shall be used in such performance. (Ord. 1498, 11-24-1992)

Chapter 17
PROHIBITION OF REGISTERED SEX OFFENDERS FROM ENTERING CITY PARKS, SCHOOLS, AND OTHER AREAS WHERE CHILDREN CONGREGATE

(Rep. by Ord. 1662, 6-10-2014)

Chapter 18
SKATEPARKS

6-18-1: PURPOSE:

The purpose of this chapter is to promote the public peace and the health, safety, and welfare of residents of the city of Placerville by establishing regulations for the use of skateparks operated within the city of Placerville. This chapter does not preclude other civil or criminal actions in regard to conduct proscribed herein. The city council hereby declares that skateboarding is a hazardous recreational activity. Individuals using a skatepark operated in the city of Placerville shall assume all risk of injury or loss. (Ord. 1638, 11-23-2010)

6-18-2: SAFETY EQUIPMENT:

Any person entering, using, or remaining in a skatepark operated in the city of Placerville shall wear proper safety equipment, including, but not limited to, a secure helmet, kneepads, and elbow pads. All safety equipment shall be functional, properly sized, and in good repair. Helmets shall conform to state standards relating to bicycle safety helmets. (Ord. 1638, 11-23-2010)

6-18-3: REGULATIONS:

All persons entering, using, or remaining in any skatepark operated in the city of Placerville shall comply with the following rules and regulations:

(A) The skatepark shall have fixed hours of use, which shall be posted at the skatepark. No person shall use the skatepark at times other than those posted at the skatepark. In addition to other penalties specified herein, use of the skatepark after posted hours or during a time of closure may result in a trespassing citation.

(B) The skatepark may be used by skateboarders on the days designated for that particular use and only in accordance with the schedule of use, which shall be posted at the skatepark.

(C) All persons entering, using, or remaining in any skatepark must wear a shirt while on skatepark property.

(D) No person may bring structures, obstacles, or other materials, such as ramps or jumps, into the skatepark.

(E) Smoking, tobacco, drugs, and alcoholic beverages are prohibited anywhere at or within two hundred feet (200') of the skatepark.

(F) It shall be unlawful to engage in graffiti, tagging, or other defacing (such as the placing of stickers or decals) of skatepark property or the property of others.

(G) Except for authorized guide dogs and service animals, animals are prohibited in the skatepark.

(H) Glass containers are prohibited anywhere at or near the skatepark.

(I) Recklessness, horseplay, foul language, vandalism, and disrespect to staff and/or other skatepark users is prohibited.

(J) No person shall skate on curbs, fences, railings, walls, benches, tables, and/or driveways in the area surrounding the skatepark. Skatepark users shall be considerate of nearby businesses and residents in the surrounding neighborhood.

(K) No skating is allowed at the skatepark when the skatepark surfaces are wet.

(L) Amplified music and sound systems are prohibited at the skatepark.

(M) Climbing on or over the skatepark fence is prohibited. (Ord. 1638, 11-23-2010)

6-18-4: ENFORCEMENT:

(A) Any violation of these rules and regulations will result in immediate expulsion from the skatepark property. Three (3) violations shall result in a one year expulsion from the skatepark.

(B) Any person who violates any of these rules and regulations shall, in the discretion of the enforcing authority, be guilty of an infraction or a misdemeanor, and may be subject to a fine of not more than five hundred dollars ($500.00) and/or imprisonment not to exceed six (6) months. (Ord. 1638, 11-23-2010)

6-18-5: NOTICE:

A sign or signs shall be posted at all skatepark facilities providing notice that the violation of the skatepark's rules and regulations shall subject the violator to the penalties described in section 6-18-4 of this chapter. (Ord. 1638, 11-23-2010)

6-18-6: NEGLIGENCE PER SE:

Any person who fails or refuses to comply with the provisions of this chapter and who is injured while using the skatepark shall be deemed negligent per se. (Ord. 1638, 11-23-2010)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

Chapter 19
CAMPING ON PUBLIC OR PRIVATE PROPERTY

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

6-19-1: 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. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY .
Go to new ordinance.

6-19-2: 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.

CAMP: To place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

CAMP FACILITIES: Include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

CAMP PARAPHERNALIA: Includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

CITY MANAGER: The city manager or designee.

ESTABLISH: Setting up or moving equipment, supplies or materials onto public or private property to "camp" or operate camp facilities.

MAINTAIN: Keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

OPERATE: Participating or assisting in establishing or maintaining a camp or camp facility.

PARK: Any areas set aside for recreational uses, areas conserved for their scenic interest, playgrounds, beaches, recreation centers, golf courses, model plane fields, and any other areas owned or operated by the city of Placerville and which are intended for active or passive recreational purposes. The word "park" shall also include any parking lot adjacent to any park, any buildings, equipment, plants or other facilities located in any park and any landscaped public area and/or right of way.

PRIVATE PROPERTY: All private property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land.

PUBLIC PROPERTY: All public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

STORE: To put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location. (Ord. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

6-19-3: UNLAWFUL CAMPING:

It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

(A) Any public property; or

(B) Any private property.

1. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than five (5) consecutive nights.

2. 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; and provided further, 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.

3. The city manager may, as provided in section 6-19-5 of this chapter, issue a temporary permit to allow camping on public or private property in connection with a special event.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code section 370, the city attorney may institute civil or administrative actions to abate a public nuisance under this chapter. (Ord. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

6-19-4: 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) Any public property; or

(B) Any private property without the written consent of the owner.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code section 370 the city attorney may institute civil or administrative actions to abate a public nuisance under this chapter. (Ord. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

6-19-5: PERMIT FOR SPECIAL EVENTS REQUIRED:

The city manager may, in his or her discretion, issue a permit to establish, maintain and operate a camp or a camp facility in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the city departments, youth or school events, marathons or other sporting events and scouting activities. The city manager may consult with various city departments, the health officer and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding any health, safety or public welfare concerns and provide recommendations pertaining to the issuance, denial or conditioning of the permit. A reasonable fee, to be set by the city council shall be paid, in advance, by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the city manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the area or tract of land upon which the proposed temporary camp or camp facility is to be located.

Any person who establishes, maintains or operates a camp or camp facility without a permit is guilty of a misdemeanor and constitutes a public nuisance. In addition to remedies provided in Penal Code section 370 the city attorney may institute civil or administrative actions to abate a public nuisance under this chapter. (Ord. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

6-19-6: POSTING COPY OF PERMIT:

It is unlawful for any person to establish, maintain, conduct or carry on any camp or camp facility unless there shall be at all times posted in a conspicuous place upon the area or tract of land upon which the camp or camp facility is located a permit obtained from the city manager in accordance with the provisions of section 6-19-5 of this chapter. (Ord. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY . Go to new ordinance.

6-19-7: POWER OF THE CITY MANAGER TO MAKE RULES AND REGULATIONS:

The city manager is further empowered to ascertain that the operation or maintenance of any camp or camp facilities to which a temporary permit shall apply will in no way jeopardize the public health, safety or welfare and for this purpose may make additional rules and regulations pertaining to their establishment, operation or conduct. The city manager may also impose conditions on the establishment, maintenance and operation of the camp or camp facility, including, but not limited to, security, sanitation facilities, the number of occupants, posting of bonds or deposits, insurance, quiet hours, duration of the permit, and permitted activities on the premises. When the city manager shall issue any permit under the terms of section 6-19-5 of this chapter, the same may be revoked at any time thereafter by the city manager if the city manager becomes satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare. (Ord. 1659, 1-14-2014)

This section has been affected by a recently passed ordinance, 1702 - CAMPING WITHIN THE CITY .
Go to new ordinance.

6-19-8: CURRENT ORDINANCE PROVISIONS:

Neither the adoption of this chapter nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 1659, 1-14-2014)

Chapter 20
AGGRESSIVE SOLICITATION[1]

6-20-1: PURPOSE:

The citizens of Placerville have a right to be free of aggressive solicitations within the city of Placerville. This chapter shall address and define aggressive solicitations and solicitors within the city limits. The actions of the aggressive solicitors can lead a person to feel intimidated, fearful of bodily harm, or damage to property. No soliciting shall occur within fifteen feet (15') in front of a bank, ATM, or check cashing business, near a motor vehicle traveling on the road, any public transportation vehicles, and within fifteen feet (15') of a gas station. (Ord. 1660, 1-14-2014)

6-20-2: DEFINITIONS:

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PUBLIC PLACE: A place to which a substantial group of persons has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, apartment house or hotel not constituting a room or apartment designed for residence.

SOLICIT, ASK OR BEG: Includes using the spoken, written, or printed word, or bodily gestures, signs or other means to request an immediate donation of money or other thing of value or to offer the sale of goods or services. (Ord. 1660, 1-14-2014)

6-20-3: AGGRESSIVE SOLICITATION PROHIBITED:

(A) No person shall solicit, ask or beg in an aggressive manner in any public place.

(B) "Aggressive manner" shall mean any of the following:

1. Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:

   (a) Fear bodily harm to himself or herself or to another, or damage to or loss of property; or

   (b) Otherwise be intimidated into giving money or other thing of value;

2. Intentionally touching or causing physical contact with another person or an occupied vehicle without the consent of that person or an occupant or owner of that vehicle;

3. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

4. Using violent or threatening gestures toward a person solicited;

5. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that he or she does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or

6. Using profane, offensive, or abusive language that is likely to provoke a violent reaction. (Ord. 1660, 1-14-2014)

6-20-4: ALL SOLICITATION PROHIBITED AT SPECIFIED LOCATIONS:

(A) Banks, Check Cashing Businesses And ATMs:

1. Prohibition: No person shall solicit, ask or beg on public property within fifteen feet (15') of any entrance or exit of any bank or check cashing business during its business hours or within fifteen feet (15') of any automated teller machine when it is available for customer use. When an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. No person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility.

2. Definitions: For the purposes of this subsection (A), the following definitions shall apply unless the context clearly indicates or requires a different meaning:

   AUTOMATED TELLER MACHINE FACILITY: An area inside a structure in which one or more automated teller machines are located but excluding an area within any structure the primary purpose or function of which is unrelated to banking activities, including, but not limited to, supermarkets, airports and school buildings.

   AUTOMATED TELLER MACHINE OR ATM: Any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

   BANK: Any member bank of the federal reserve system, and any bank, savings and loan association, credit union, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of California or the United States whether or not the deposits of such institutions are insured by the federal deposit insurance corporation.

   CHECK CASHING BUSINESS: Any person licensed as a check seller, bill payer, or prorater pursuant to division 3 of the California Financial Code, commencing with section 12000.

(B) Motor Vehicles: No person shall approach an operator or occupant of a motor vehicle traveling within a public right of way for the purpose of soliciting, asking or begging. A vehicle is "traveling" for this purpose even though stopped at an intersection or otherwise in compliance with traffic control laws and regulations but not if parked legally. This prohibition does not apply to solicitations related to emergency repairs requested by an operator or occupant of a vehicle.

(C) Public Transportation Vehicles: No person may solicit, ask or beg in any publicly owned or operated vehicle, including a bus, designed, used or maintained for carrying ten (10) or more persons, including the driver.

(D) Gas Stations: No person shall solicit, ask or beg within fifteen feet (15') of a fueling pump, air, or water hose at a gas station. For purposes of this subsection, "gas station" means a business that sells at retail gasoline or other vehicle fuel dispensed by a pump. (Ord. 1660, 1-14-2014)

6-20-5: NONEXCLUSIVITY:

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws to conduct within the scope of this chapter. (Ord. 1660, 1-14-2014)

6-20-6: PENALTY:

An intentional violation of this chapter is punishable as a misdemeanor, pursuant to section 1-4-5 of this code. (Ord. 1660, 1-14-2014)

Title 7
HEALTH AND SANITATION

Chapter 1
GARBAGE[1]

7-1-1: DEFINITIONS:

When used in this chapter the following words shall have the meanings herein ascribed to them:

CERTIFICATE: A certificate of public convenience and necessity by the council authorizing the holder thereof to conduct a garbage collection business in the city.

HOLDER: A person to whom a certificate of public convenience and necessity has been issued. (Ord. 866, 9-5-1961)

7-1-2: CERTIFICATE REQUIRED:

No person shall operate a garbage collection business owned or controlled by him in the city without having first obtained a certificate of public convenience and necessity from the council. (Ord. 866, 9-5-1961)

7-1-3: APPLICATION FOR CERTIFICATE:

An application for certificate shall be filed with the clerk and shall be verified under oath and shall furnish the following information:

(A) The name and address of the applicant.

(B) The financial status of the applicant, including the amounts of any unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments.

(C) The experience of the applicant in the garbage collection business.

(D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

(E) The equipment proposed to be used by the applicant in the operation of the garbage collection business in the city. (Ord. 866, 9-5-1961)

7-1-4: PUBLIC HEARING:

Upon the filing of an application the council shall fix a time and place for a public hearing thereon which public hearing shall be set at a date at least ten (10) days after the application has been filed with the clerk and not later than thirty (30) days after the application has been filed with the clerk. Notice of hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given to the general public by posting a notice in the city hall. Any interested person may file with the clerk a memorandum in support or in opposition to the issuance of a certificate. (Ord. 866, 9-5-1961)

7-1-5: ISSUANCE OF A CERTIFICATE:

If the council finds that further garbage collection service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such garbage collection service and to conform to the provisions of this chapter then the council shall issue a certificate stating the name and address of the applicant and the date of the issuance of the certificate, otherwise the application shall be denied. In making the foregoing findings the council shall take into consideration whether any existing garbage collection service is adequate to meet the public need, the probable need of additional garbage service in the future and the character, ability and responsibility of the applicant. (Ord. 866, 9-5-1961)

7-1-6: TRANSFER OF CERTIFICATES:

No certificate of public convenience and necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the council. (Ord. 866, 9-5-1961)

7-1-7: SUSPENSION AND REVOCATION OF CERTIFICATES:

A certificate issued under the provisions of this chapter may be revoked or suspended by the council after the holder has:

(A) Violated any of the provisions of this chapter.

(B) Discontinued operations for more than seven (7) days.

(C) Violated any provision of this code, or the laws of the United States or the state of California, the violation of which reflects unfavorably on the fitness of the holder to render satisfactory garbage collection service in the city.

(D) Not properly or adequately collected garbage in the city.

Prior to suspension or revocation the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. (Ord. 866, 9-5-1961)

7-1-8: SCHEDULE OF RATES AND SERVICE:

The holder of a certificate of public convenience and necessity shall before operating a garbage collection business in the city file with the council a schedule of rates intended to be charged by him and the hours during which garbage is to be collected in the residential areas of the city and in the commercial areas of the city. The rates and hours of collection may not be changed by any licensee without first having obtained the approval of the council. (Ord. 866, 9-5-1961)

7-1-9: LICENSE REQUIRED; FEE:

It shall be unlawful for any person to collect and haul for hire any garbage, refuse or waste material within the city without first obtaining from the license and tax collector a permit or license therefor, which license shall be issued only upon an application of a person holding a certificate of public convenience and necessity. The application shall require the applicant to agree to observe all rules and regulations of the police department and of the council regarding the disposal of garbage, refuse and waste material and the applicant shall also agree to abide by the rules and regulations of the council regarding the city dump, when garbage, refuse and waste material are hauled or disposed of at the city dump.

Upon the signing of the application and the payment of the fee of five dollars ($5.00) for each quarter year, a license shall be issued to the person applying therefor; provided the applicant's license has not

theretofore been revoked for failure to comply with the rules and regulations of the city or for a violation of this chapter. (Ord. 866, 9-5-1961)

7-1-10: PERSONS HAULING OWN GARBAGE:

Nothing in this chapter shall be deemed or construed as requiring any resident of the city to obtain a license or permit to haul or dispose of his own garbage, refuse or waste material, this license being intended to apply only to the cases of the collection hauled or disposal of garbage, refuse and waste material for hire. This section shall not be interpreted as exempting compliance with chapter 1A of this title. (Ord. 1629, 6-23-2009)

Chapter 1A
SOLID WASTE REGULATIONS

7-1A-1: PURPOSE:

(A) Pursuant to the California integrated waste management act of 1989[1], the legislature as mandated that local agencies make adequate provisions for solid waste handling within their jurisdictions.

(B) To protect the health, safety and welfare of the residents of the city of Placerville (city), it is in the public's best interest to establish exclusive franchises for the mandatory collection, disposal and processing of solid waste and recyclable materials.

(C) Pursuant to state law, the city is authorized to execute its powers for the purpose of the collection or disposal of garbage or refuse matter and may contract for the collection and disposal of garbage or refuse matter. (Ord. 1629, 6-23-2009)

7-1A-2: USE OF CITY FRANCHISE COLLECTION/HAULER SERVICE REQUIRED:

The periodic collection of garbage, recyclable materials and other solid waste materials from improved properties in the city of Placerville benefits occupants of places and premises in the city of Placerville, and promotes and protects the health, safety and welfare of all residents of the city of Placerville. Therefore, collection services provided by the city of Placerville's franchise collector/hauler are mandatory for all owners of improved property within the city of Placerville in or from which solid waste is created, accumulated or produced.

Solid waste must be regulated to the extent necessary to protect the health, safety, and welfare of the public, to conserve disposal capacity, to meet state laws and to ensure cost effective public service. To this end, the city council finds that to give practical effect to this policy, a mandatory collection ordinance to regulate the collection of waste, and a comprehensive system for the storage, collection, removal, transport, recovery of marketable and recyclable materials, and disposal of solid waste in the city of Placerville is essential.

No person shall establish, operate or carry on the business of collecting, transporting or disposing of solid waste or recyclable materials within the city of Placerville unless a franchise agreement has been

entered into between such person and the city of Placerville. The city council shall determine at its sole option and discretion whether to enter into any new or renewed franchise agreement with any person. The maximum number of franchises to be awarded by the city council shall be one franchise for the collection, transportation, recycling, composting and disposal and waste diversion of solid waste and recyclable materials within the city of Placerville. A franchise shall be granted only to persons who possess all permits and licenses necessary to provide solid waste collection services in El Dorado County and the city of Placerville. A franchise may be revoked according to the terms of the relevant franchise agreement. (Ord. 1629, 6-23-2009)

7-1A-3: APPLICABILITY:

Mandatory collection service is required for garbage, recyclable materials and other solid waste materials generated on all occupied properties within the city of Placerville, as identified in this chapter. As mandatory collection service is implemented and becomes available pursuant to the subscription guidelines of this chapter, the owner, tenant or occupant of every parcel with one or more businesses and/or residential buildings approved for occupancy and located within the city of Placerville shall subscribe to and thereafter use regularly the collection service franchised by the city of Placerville.

No provision herein contained shall be construed to conflict with any provision of the integrated waste management act, the medical waste management act, or any other state or federal law. In the event such a conflict exists, or shall exist in the future, state or federal law shall be controlling. This chapter is not intended, nor shall it apply to transfer stations or other solid waste disposal facilities. (Ord. 1629, 6-23-2009)

7-1A-4: SUBSCRIPTION TO COLLECTION SERVICE:

Subscription to mandatory collection service shall not be required until the service becomes available to each affected property. The property owner of each occupied premises shall assume responsibility for subscribing to collection service within seven (7) days of either written notification from the city or occupancy of the premises, whichever is sooner. At the city's discretion, providing collection service to all properties may be implemented in phases with residential single-family and small residential multi-family properties to be implemented initially. Larger residential multi-family, commercial and other uses shall be implemented as programs become available and economically viable. (Ord. 1629, 6-23-2009)

7-1A-5: PROPERTY OWNER RESPONSIBLE FOR SECURING COLLECTION SERVICE:

The owner of any improved property in or from which solid waste and recyclable materials are created, accumulated or produced is responsible for subscribing to the collection service to be rendered to such property by the city's franchised collection service. It is the property owner's responsibility, not the tenant, to secure and maintain collection services. (Ord. 1629, 6-23-2009)

7-1A-6: LIABILITY FOR PAYMENT OF FEES; MANDATORY COLLECTION:

Each owner, occupant or person in possession, charge or control of any collection premises located in the city is hereby made liable jointly and severally for the payment of the solid waste collection, procession and disposal fees levied against such premises for required solid waste collection,

processing and disposal services, irrespective of the actual use of the service provided by the city or the franchise collector/hauler. Services made available to those premises required to receive such service shall be considered as services utilized. It shall be the primary duty of the owner of such premises to provide for the payment of the services. (Ord. 1629, 6-23-2009)

7-1A-7: PAYMENTS ON BEHALF OF OWNER PERMITTED:

Nothing in this chapter is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for collection service are made by a tenant or tenants, or any agent on behalf of the owner, however any such arrangement will not affect the owner's obligation to the city or to the franchise collector/hauler for payment for such service. (Ord. 1629, 6-23-2009)

7-1A-8: BILLING CYCLE AND PENALTY FOR DELINQUENT PAYMENTS:

Solid waste collection fees may be billed and paid in advance on a quarterly or bimonthly basis. Payment shall be due upon receipt, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date. (Ord. 1629, 6-23-2009)

7-1A-9: DISCONTINUATION OF SERVICE:

The city or the franchise collector/hauler may discontinue service for any customer whose account remains unpaid for forty five (45) days after the date of billing as long as the customer has received a notice on a form approved by the city manager stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer. (Ord. 1629, 6-23-2009)

7-1A-10: INITIAL NOTIFICATION OF MANDATORY COLLECTION SERVICE:

Within ninety (90) days of adoption of an ordinance by the city of Placerville requiring mandatory collection service, the city shall notify by mail all affected property owners of the ordinance and the requirement for such property owners to subscribe to the collection service. This mailing list will then be provided to the city of Placerville's franchise collector/hauler to monitor service subscriptions. Upon completion of the notification process, the city of Placerville's franchise collector/hauler will deliver the appropriate service bins/carts to each property. The city will also attempt to notify landlords and property managers. (Ord. 1629, 6-23-2009)

7-1A-11: WRITTEN NOTICE REQUIRED FOR NONUSE:

The city of Placerville's franchise collector/hauler shall give written notice to the city manager or designated representative of the address of any occupied premise within the city which is not subscribing to the collection and disposal service provided by the collection service franchised by the city. (Ord. 1629, 6-23-2009)

7-1A-12: FAILURE TO SUBSCRIBE:

If the city manager has reason to believe that any person required to subscribe for service has failed to subscribe or failed to maintain a subscription for service, the city manager may cause written notice to be mailed to the owner of the real property so affected directing the owner to subscribe for such service within ten (10) days after the date of the notice.

Any such notice shall state that if the person to whom it is directed fails within the ten (10) day period to subscribe for such collection service, or fails to appear and show sufficient cause why such person should not be required to subscribe, the city manager may authorize such service and the charges therefor will be assessed against the real property upon which the premises served are located.

After notice and a public hearing, unpaid delinquent accounts may be confirmed by the city council, and the amount confirmed shall constitute a lien on the property. The lien shall continue until the amount of the charges and interest thereon at the legal rate, computed from the date of confirmation of the charge, is paid in full or until it is discharged of record.

Alternatively or in addition, the confirmed amount may be made a personal obligation of the property owner of record. Alternatively, or in addition, the confirmed amount may be specially assessed against the real property involved, and collected at the same time and in the same manner as ordinary real property taxes.

The delinquent fees as confirmed by the city council shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10 of each year, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, 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 case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of the city ad valorem property taxes shall be applicable to such assessment, 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 encumbrance for value has been created and attaches thereon, prior to the date on 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 delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection. (Ord. 1629, 6-23-2009)

7-1A-13: EXCLUSIONS:

(A) Appear And Show Cause For Exclusion: Any written notice sent to a property owner shall include an option to appear before the city manager, or a designated representative, at a time specified within the notice, to show cause why such person should not be required to subscribe for the collection of garbage and recyclables. In addition, any property owner not receiving a notice may arrange to appear before the city manager, or a designated representative, at a time specified, to show cause why such person should not be required to subscribe for the collection service. At the appearance, the city manager may find excluded from the requirements of this chapter only those persons who show:

1. They are not owners of the property mentioned; or

2. The property is not within the Placerville city limits; or

3. The property is vacant; or

4. The residential unit or structure on the property is vacant or temporarily unoccupied for a period in excess of one month; or

5. Unique parcel specific conditions which compel the property owner, tenant or occupant to self-haul their garbage, recyclables and green waste to the transfer station. Such conditions may include properties with long, narrow or steep driveways where the franchise collector/hauler, in the opinion of the city manager, is unable to properly and safely use the franchise collector/hauler's equipment, and granting such exclusion would not create a nuisance; or

6. The owner or occupant legally recycles and/or composts virtually all their solid waste so that no unsanitary condition, hazard to health, or public nuisance will arise upon the premises owned, managed or controlled by them if they are not provided with collection and disposal services by a collector.

(a) Declaration Required: All persons claiming this exclusion shall be asked to sign a declaration or affidavit, under penalty of perjury, once per year, stating that they legally recycle and/or compost virtually all their solid waste so that no unsanitary condition, hazard to health, or public nuisance will arise upon the premises owned, managed or controlled by them.

Any exclusion granted by the city manager is revocable for cause, as determined by the city manager. Any exclusion granted by the city manager can be made conditional, as needed to ensure continuing eligibility. Violations of any such conditions can result in the revocation of the exemption, and/or result in the assessment of penalties under title 1, chapter 4A of this code. (Ord. 1629, 6-23-2009)

7-1A-14: GENERAL EXEMPTIONS; MANDATORY COLLECTION:

(A) The provisions of this chapter shall not apply to any of the residential units or commercial enterprises hereafter described:

1. Property owned by federal, state or local governments shall be exempt from the requirements of this chapter.

2. A person or entity who contracts for landscaping or gardening work performed for the customer and incidental to such services removes and recycles or disposes of green or yard waste, provided that such removal and recycling or disposal are performed by the person removing and recycling or disposing of such green or yard waste, and not by a subcontractor or other third party.

3. A person or entity that has been given an exemption by the city from any mandatory collection ordinance that the city may adopt in the future.

4. A licensed contractor that generates construction and demolition debris in the course of his/her/its business activities and such contractor, or his/her/its full time employees, and not a subcontractor or other third party, and self-hauls such construction and demolition debris (but excluding all other solid waste or recyclable materials) to an authorized and permitted (as may be required by federal, state or local regulatory agencies with jurisdiction over such activities) processing facility for purposes of material recovery. A licensed contractor shall not use any subcontractor or other third party other than the franchise collection/hauler to haul construction and demolition debris to an authorized and permitted materials recovery facility.

(B) Any person claiming an exemption pursuant to this section shall file a statement under oath or under penalty of perjury with the franchise collector/hauler stating the facts upon which exemption is claimed, and, in the absence of such statement substantiating the claim, such person shall be liable for the payment of the solid waste collection fees required by this chapter.

(C) The franchise collector/hauler, after giving notice of not less than ten (10) days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon information that the person is not entitled to the exemption as provided herein. (Ord. 1629, 6-23-2009)

7-1A-15: RECEPTACLES:

(A) All residential solid waste and recyclables must be placed in authorized receptacles or containers as provided in this chapter. Receptacles or containers for residential solid waste and recyclables shall be of a size and type approved by the city manager. Receptacles for residential solid waste shall be placed at ground level, obscured from public view, and shall be placed on collection days in a manner suitable for collection, typically at curbside, but in no case shall they be placed in such a manner as to constitute a public hazard or nuisance. Receptacles shall be removed from curbside within forty eight (48) hours after collection. Unless special arrangements are made to accommodate those customers unable to place their receptacles at curbside, no collection shall take place unless the waste is placed in front of the residence prior to collection time. Each customer receiving residential solid waste service shall be supplied with as many authorized receptacles as needed by the customer to handle the waste stream of the residence. Receptacles may consist of waste carts of varying sizes and capacities. Receptacles must be returned when no longer used or upon cancellation of service.

(B) No person shall deface, damage, paint or in any way mark any authorized receptacles. Customers may be charged for replacement of waste carts which have been damaged or lost due to the fault or neglect of the customer under appropriate circumstances. (Ord. 1629, 6-23-2009)

7-1A-16: RESPONSIBILITIES OF SOLID WASTE GENERATORS:

(A) Responsibility Of Property Owner: The owner of any property, including any residence, commercial establishment, institution or industry, vacant or occupied, shall be responsible for the satisfactory storage and removal of all solid waste accumulated on that property. In those instances where a person rents or leases to another, the property owner or his agent shall be ultimately responsible for solid waste generated or stored on those premises should said waste remain on the premises during or beyond the tenant term. Excepting disruptions in normal solid waste collection schedules, nonrecyclable wastes shall not be allowed to remain on the premises for more than seven (7) days, to prevent propagation, harborage, or attraction of flies, rodents or other vectors, and the creation of nuisances.

For the purposes of this section, disruptions in normal solid waste collection schedules shall be limited to when:

1. Disruptions are due to strikes; or

2. Severe weather conditions or acts of God make collection impossible using normal collection equipment; or

3. Official holidays interrupt a normal seven (7) day collection cycle in which case collection may be postponed until the next working day.

Recyclable materials separated from nonrecyclable wastes may be stored on the premises for longer than seven (7) days provided that the recyclable materials are cleaned and/or stored in a manner that prevents propagation, harborage, or attraction of flies, rodents or other vectors, or the creation of nuisances or fire hazards.

(B) Solid Waste And Recyclable Materials Ownership:

1. Except as provided hereinabove, all solid waste and recyclable materials are the property of the person gathering them until:

   (a) The solid waste and/or recyclable materials are legally disposed of in an authorized disposal site; or

   (b) The solid waste and/or recyclable materials are legally deposited at an authorized transfer station, processing facility, buy back center or drop off recycling center; or

   (c) The solid waste and/or recyclable materials are picked up by the franchise collector/hauler authorized by the city.

2. Solid waste and recyclable materials legally placed for disposal and/or processing becomes the property and responsibility of the franchise collector/hauler upon receipt of the solid waste or material.

3. No person shall remove solid waste and/or recyclable materials placed for collection other than the person generating or responsible for the waste or by the franchise collector/hauler or permittee.

(C) Construction/Demolition Projects:

1. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow to be caused, maintained or permitted, the accumulation of any solid waste or litter on the site before, during or after completion of the construction or demolition project.

2. It shall be the duty of the owner or contractor in charge of any construction or demolition site to have adequate containers on site for the disposal of solid waste and litter and to make appropriate arrangements for the collection thereof by the franchise collector/hauler or the personal transportation site to an authorized facility for final disposal. While the container is on site, substantial provisions shall be employed by the owner or contractor to prevent the blowing or falling of solid waste from the container so as to prevent a littering condition.

3. The owner or contractor in charge of such construction or demolition site may be required at any time to show proof of appropriate collection, or if personally transported, of final disposal at an authorized facility. (Ord. 1629, 6-23-2009)

7-1A-17: PROHIBITED ACTS:

(A) No person shall deposit or permit to be deposited on, over, or along any public road, highway right of way or public or private property within the boundaries of the city any solid waste or litter except in containers or in areas lawfully provided for or permitted for that use.

(B) The existence or accumulation, without the authority of the city, of litter, trash, scrap materials, junk parts, garbage or refuse of any kind upon private property shall be prohibited, provided that said refuse is visible to the occupants of an adjacent or nearby parcel of real property, or to the users of any right of way. It shall be unlawful to allow accumulations of wastepaper, litter or combustible or flammable waste materials or rubbish of any kind to remain in any court, yard, vacant lot or open space.

(C) It shall be unlawful for any owner, manager or employee of a commercial establishment or institution to deposit solid waste from the establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

(D) No person shall dump, deposit, or otherwise dispose of any hazardous or biomedical waste onto land, into soil, rock, air or water, or at unauthorized disposal sites, transfer stations, resource recovery facilities, transformation facilities, buy back centers, drop off recycling centers, or any container to be collected and ultimately deposited, unless otherwise approved in advance and in writing by the city manager, with the consent of the franchise collector/hauler.

(E) No person shall burn or incinerate solid waste except as permitted by the El Dorado County fire protection district.

(F) No person shall tamper with, modify, remove from or deposit solid waste or recyclable materials in any container which has not been provided for his/her use, without the permission of the container owner.

(G) No person shall place solid waste upon the land of another, or in a residential or commercial solid waste receptacle of another, or upon premises other than those from which the solid waste originated, for the purpose of making waste available for collection and disposal.

(H) No person shall, other than the owner or franchised recyclable materials hauler, tamper with, modify or deposit waste into recyclable materials that have been segregated from nonrecyclable waste and placed at a designated collection location for the purpose of collection and recycling. Unless otherwise provided by contract, all recyclable materials which are segregated from nonrecyclable waste for the purpose of recycling, and placed at a designated collection location, may not be removed by anyone other than the franchised recyclable materials collector or owner. (Ord. 1629, 6-23-2009)

7-1A-18: COMPLAINT PROCEDURE:

The city manager, or designee, shall adopt an administrative complaint procedure whereby customers may file complaints regarding service or any other matter arising out of the services provided under this

chapter. Appeals from any determinations made pursuant to this administrative procedure may be made to the city council. (Ord. 1629, 6-23-2009)

Chapter 2
LITTER REGULATIONS[1]

7-2-1: DEPOSITS OF INJURIOUS MATERIAL:

It shall be unlawful for any person to dump or deposit upon any highway, freeway, alley, street, off street parking lot, park, playground, or any public place in the city, any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle. (Ord. 846, 11-17-1960)

7-2-2: DEPOSITS OF OFFENSIVE MATERIAL:

It shall be unlawful for any person to place, deposit or dump any garbage, swill, cans, bottles, papers, ashes, refuse, the carcass of any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter in or upon any highway, freeway, alley, street, off street parking lot, park, playground, or any public place in the city. (Ord. 846, 11-17-1960)

7-2-3: DUMPING OF ROCKS OR DIRT:

It shall be unlawful for any person to place, deposit or dump any rocks or dirt in or upon any highway, freeway, alley, street, off street parking lot, park playground, or any public place in the city without the express consent of the superintendent of public works. (Ord. 846, 11-17-1960)

7-2-4: REMOVAL REQUIRED:

Any person who drops, or permits to be dropped, deposited or thrown upon any of the public thoroughfares mentioned in this chapter, any destructive or injurious material shall immediately remove the same or cause the same to be removed. (Ord. 846, 11-17-1960)

7-2-5: VEHICLES SPILLING LOAD ON THOROUGHFARE:

No vehicle shall be driven or moved on any public thoroughfare, unless the vehicle is so constructed or loaded as to prevent any of its contents or load, other than clear water, from dropping, spilling, sifting, leaking or otherwise escaping therefrom.

No vehicle loaded with garbage, swill, cans, bottles, waste, papers, ashes, refuse, trash or rubbish, or any other noisome, nauseous or offensive matter, shall be driven or moved unless the load is covered with a cover sufficient to prevent the load, or any part of the load from spilling upon the public thoroughfare. This section does not prohibit a rubbish vehicle from being without cover while in the process of acquiring its load, nor does this section prohibit a rubbish truck from being without cover;

provided, that said rubbish truck is so constructed as to prevent its load or any portion of its load from spilling. (Ord. 846, 11-17-1960)

7-2-6: DUMPING IN WATERWAYS PROHIBITED:

It shall be unlawful for any person to dump, place, throw or deposit any waste, refuse, trash or debris into Lumsden Park Pond, Hangtown Creek or Cedar Ravine Creek or any tributaries thereof. (Ord. 1657, 9-10-2013)

7-2-7: DEPOSIT OF MATERIALS IN TRASH CAN OR CONTAINER:

It shall be unlawful for any person to deposit any material in a trash can or container which is owned, rented or controlled by a person or firm other than the person making the deposit unless the person depositing the material has been authorized to do so by the person or firm owning, renting or controlling the trash can or container.

Refuse must be in the container and lids must be kept closed at all times.

It shall be unlawful for a person or firm owning or renting the trash container to allow refuse to overflow onto the ground.

It will be unlawful for household garbage to be disposed of in the sidewalk trash containers. (Ord. 1042, 9-11-1973)

7-2-8: CLEANLINESS OF SIDEWALKS:

Each holder of a business license shall be responsible for the cleanliness of their sidewalks. (Ord. 1042, 9-11-1973)

Chapter 3
WATERWORKS SYSTEM

7-3-1: SUPERVISION OF WATERWORKS SYSTEM:

The municipal waterworks is hereby declared to be under the direct superintendence of the superintendent of public works, subject to control and rules and regulations as may, by resolution of the council from time to time, be prescribed. (Ord. 605, 3-10-1924)

7-3-2: UTILITY SERVICE DEPOSITS:

For newly established utility service accounts, or as a condition to reconnecting utility service to an account for which service was terminated for nonpayment of utility service invoice, the applicant may be required, at the discretion of the finance director, to deposit a sum of money prior to establishing the account or reconnecting service, which sum shall be based solely on the credit worthiness of the

applicant as determined by the finance director. Any such deposit shall be subject to the provisions of section 10009.6 of the California Public Utilities Code and shall not exceed twice the estimated average periodic bill. (Ord. 1603, 10-25-2005)

7-3-2A: ESTABLISHMENT OF RATES:

The council shall establish the rates to be charged for the sale and use of water from the municipal waterworks, and said rates may be changed from time to time, by resolution of the council, when they deem such change necessary or for the best interest of the city. (Ord. 605, 3-10-1924)

Effective April 15, 1988, the water rates in the city shall, on a bimonthly basis, be as follows:

Water Use (Cubic Feet)	Rate (Cubic Feet)
Single-family residential:	
0 to 500	$12.00 flat rate
501 to 1,000	1.40 per 100
1,001 to 2,000	1.15 per 100
2,001 to 3,000	0.75 per 100
3,001 to 10,000	1.50 per 100
10,001 and over	2.00 per 100
Multiple-unit residential:	
0 to 1,000 average/unit	12.00 flat rate/unit
1,001 to 2,000 average/unit	1.20 per 100 cubic feet/unit
2,001 to 3,000 average/unit	1.25 per 100 cubic feet/unit
3,001 to 10,000 average/unit	1.50 per 100 cubic feet/unit
10,001 and over average/unit	2.00 per 100 cubic feet/unit
Commercial:	
0 to 500	12.00 flat rate
501 to 1,000	1.40 per 100
1,001 to 20,000	0.75 per 100
20,001 to 50,000	0.85 per 100
50,001 and over	1.00 per 100

Surcharge for multiple-units above 1	12.00 per unit

(Res. 4920, 5-10-1988)

7-3-2B: WATER BOOSTER PUMP STATION CHARGES:

(A) In the event it is necessary to install or maintain a water booster pump in order to provide water service, then the owners of the property receiving such service shall pay an additional prorated charge, to be determined by the city engineer, to reimburse the city for the installation, energy costs, repair, maintenance and replacement of said water booster pump. (Ord. 1420, 7-28-1987)

(B) If the water booster pump station is already in service, then the area served by the water booster pump station shall carry an additional charge to the city in order to reimburse the city for energy costs only. (Ord. 1306, 7-27-1982)

7-3-3: COUNCIL TO ADOPT REGULATIONS:

The sale of water to consumers within the city shall always be governed by such rules and regulations as the council shall adopt, and the council may change the rules and regulations from time to time by resolution. (Ord. 1331, 8-23-1983)

7-3-4: INSTALLATION OF METER:

Any consumer of water may, upon notice to the superintendent of public works, have installed a water meter of suitable size for the service desired, and pay the fee prescribed in section 7-3-17 of this chapter, and thereafter the rates to be charged and collected shall be as set forth by resolution of the council. (Ord. 605, 3-10-1924)

7-3-5: UTILITY SERVICE CHARGES; WHEN DUE:

Utility service charges include charges for water service, wastewater service, or both, for residential or commercial users.

(A) Utility service account payment shall be due upon receipt of invoice. Utility service charges are payable bimonthly and shall become delinquent twenty (20) days from the date of mailing of the utility account invoice. Delinquent accounts will be subject to a late charge of twenty dollars ($20.00). Water and sewer service charges are inseparable and the failure to pay either charge on a utility service invoice will result in the termination of water and sewer services. Termination of services shall be pursuant to division 5, chapter 1, article 1, commencing with sections 10009 through 10011 of the Public Utilities Code of the state of California. In the event that a utility service account remains delinquent and a turnoff order is issued, a disconnection/reconnection charge as determined by resolution of the city council shall be paid for each occasion that the city has to disconnect and/or reconnect service discontinued for nonpayment of utility service invoice. No service which has been discontinued for nonpayment of utility service charges shall be reconnected

until all current and delinquent utility charges are paid. In cases when delinquent utility charges remain unpaid, the city shall have the right to lien against the real property and/or cause legal action to be brought against the utility account holder. When a previous tenant leaves without paying a delinquent utility invoice, the city may require that subsequent service be furnished under the name of the owner on record of real property or his/her agent. (Ord. 1634, 12-14-2009)

(B) Notwithstanding the provisions of subsection (A) of this section, a utility service customer may avoid late charges and termination of service by paying one-half ($^1/_2$) of the invoice amount of utility service charges before the delinquency date as set forth in subsection (A) of this section, and the remaining one-half ($^1/_2$) of said utility service invoice amount within thirty (30) days after the delinquency date set forth in subsection (A) of this section. In this event, it is the responsibility of the customer to notify the finance department of the city of Placerville of their intent to pay utility service charges pursuant to this section. The utility service customer will not receive an additional bill for the remaining fifty percent (50%) of the utility service invoice amount and it will be the customer's responsibility to pay said amount within the thirty (30) day period set forth herein. (Ord. 1603, 10-25-2005)

7-3-6: WATER; UNNECESSARY WASTE PROHIBITED:

Consumers shall prevent all unnecessary waste of water. During periods of drought or water shortage, the council may, from time to time, adopt emergency water conservation policies. Any person wilfully or negligently wasting water or violating any emergency water conservation policy, while such policies are in effect, shall be guilty of an infraction and shall be subject to having his/her water supply turned off, and shall not be allowed to purchase water from the city until he/she gives satisfactory proof that the wastage has ceased and has paid the sum of fifty dollars ($50.00) to have the supply reconnected. (Ord. 1441, 5-24-1988)

7-3-7: LEAKAGE; DAMAGE TO PIPES:

All consumers of water shall keep their service pipes, plumbing, and stopcocks free from leakage at their own expense and will be held liable for any damage which may result from failure to comply herewith. (Ord. 1331, 8-23-1983)

7-3-8: INSPECTION OF PIPES:

The water collector or any officer of the city shall have the power at all times during reasonable hours to make examination of the premises of any consumer of water to designate the rates as herein established and to inspect the water pipes and their appurtenances. (Ord. 605, 3-10-1924; amd. Ord. 1331, 8-23-1983)

7-3-9: APPLICATIONS FOR SERVICE:

Application for the use of water from the water system must be made on printed forms provided for that purpose, which can be secured from the finance department. Should any consumer of water desire water for an additional purpose not stated in the original application, a new application must be made. (Ord. 1634, 12-14-2009)

7-3-10: RESPONSIBILITY FOR PAYMENT OF CHARGES:

All utility service accounts and bills shall be recorded in the name of the person(s)/entity requesting utility service. However, when service is provided to a multi-unit residential structure or other similar structures, as set forth in sections 10009 and 10009.1 of the California Public Utilities Code, residential occupants of such structures shall have the right to become customers pursuant to the provisions of sections 10009 and 10009.1 of the California Public Utilities Code. (Ord. 1603, 10-25-2005)

7-3-11: CONNECTIONS TO BE MADE BY AUTHORIZED PERSON ONLY:

No one, except the superintendent of public works or his/her representative shall make any connections or turn the water on or off from any building or premises. (Ord. 1331, 8-23-1983)

7-3-12: USE OF WATER AND EQUIPMENT; RESTRICTIONS:

(A) The council reserves the right to shut off the water in mains for the purpose of repairs and will not be responsible for any damage arising therefrom, and the city will not be responsible for the breaking of any pipe or service cock, or any other interruption of the supply of water by reason of the breaking of pumps or machinery or stopping for necessary repairs.

(B) All disconnections must be made by screwing on a metallic cap or plug.

(C) The council reserves the right at any time to require the use of self-closing faucets in cases where they may deem it necessary. (Ord. 605, 3-10-1924; amd. Ord. 1331, 8-23-1983)

7-3-13: FINANCE DIRECTOR TO BE EX OFFICIO WATER COLLECTOR:

The finance director shall be ex officio water collector and shall use due diligence in the collection of the water service charges and fees; and deposit the same with the treasurer each day. Water service charges shall be charged for all premises where turned on, whether occupied or not until such time as the water is ordered turned off. (Ord. 1634, 12-14-2009)

7-3-14: CITY MAY INSTALL METERS:

(Rep. by Ord. 1331, 8-23-1983)

7-3-15: WATER FUND:

The treasurer shall place all monies collected from water consumers to the credit of a special fund which is hereby created and shall be called the "water fund". (Ord. 605, 3-10-1924)

7-3-16: SPECIAL CONTRACTS; VACATED PREMISES:

(Rep. by Ord. 1331, 8-23-1983)

7-3-17: METER INSTALLATION FEE:

Water meter installation fees shall be as the city council may from time to time establish by resolution[1]. (Ord. 1014, 9-12-1972)

7-3-18: LOCATION OF METERS:

It shall be the policy of the city to require water meters to be installed on city property adjacent to the property line of the property where the water is to be used. If in the opinion of the superintendent of public works there are circumstances in individual cases which indicate that it would be less burdensome and more advantageous to the city and the property owner to have the water meter at a place within the property line, this may be done provided that there is either an easement or written agreement which has been accepted by the city council. (Ord. 1331, 8-23-1983)

7-3-19: WATER CONNECTION POLICY FOR RESIDENTS OUTSIDE CITY:

If there be a request from any one or more persons outside the city to use the water system of the city, the city council shall then consider each such request upon its own merit. Any determination made by the city council with respect to any one or more requests shall in no way be binding upon the city with respect to any other requests.

(A) If the city should allow any land outside the city to hook onto the water system of the city, then the following regulations shall apply:

1. The water lines to the city water line shall be constructed by and at the expense of the person or persons requesting the water service.

2. Any water line constructed shall be constructed according to sound engineering practices and to the standards of the city. The city engineer shall be the sole judge of whether the construction is according to sound engineering practices and according to city standards.

3. Any water line constructed pursuant to this chapter shall be of sufficient size to provide for future construction and shall be properly engineered to permit minimal maintenance. The adequacy of the size shall be determined solely by the city engineer.

4. The city shall inspect and supervise the installation of any water line constructed pursuant to this chapter. The person or persons requesting the water line shall pay all charges including overhead to the city for such inspection and supervision. This charge shall be paid within ten (10) days after the request is made by the city.

5. Anybody receiving water services pursuant to this chapter shall pay two (2) times the normal connection charge and two (2) times the monthly service charge.

6. Additionally, anybody receiving water services as established by this chapter shall pay the city an in lieu tax equal to that which a person who is a resident of the city would pay for services received which are not available outside the city. The amount of such in lieu tax shall be

computed each year by the city for each person receiving water services under the provisions of this chapter. At the option of the city this charge could be paid either monthly with the water service charge or semiannually on the tax bill. Anybody paying an in lieu tax for a sewer connection will not be required to pay any additional in lieu tax as a result of the water connection.

(B) Anybody requesting a water service to the city as set forth in this chapter shall file a written statement with the city that he shall agree to any future proposed annexation to the city of the land receiving water services if requested to do so by the city. If any future property owner of the land refuses to sign a petition to annex to the city, the water service may be terminated by the city by giving the property owner thirty (30) days' prior written notice that if he does not sign the petition his water service will be terminated.

(C) If any owner of real property receiving water services pursuant to this chapter should fail to comply with anything contained in this chapter, the city may then terminate water services after thirty (30) days' written notice to the property owner with respect to the real property outside the city owned by such defaulting owner. (Ord. 1061, 7-9-1974)

7-3-20: WATER LINE EXTENSIONS:

Extensions of water lines from the city main to the customer's property line shall be at the customer's cost. The customer shall make a deposit based upon a cost estimate by the city. At the completion of the installation, the public works superintendent shall submit an invoice based on actual materials, including the meter, labor and equipment used, and charge this against the deposit. If the deposit was too large, the customer will be refunded the difference, if it is too small, the customer shall pay the difference. (Ord. 1143, 2-14-1978)

7-3-21: CAPITAL IMPROVEMENT CHARGE:

In addition to the normal water connection charge, there shall be a capital improvement charge which shall be paid at the same time as the connection charge is paid. In the event more than one dwelling unit or business is receiving water service through the same connection to the city water system, there shall be an additional capital improvement charge for each dwelling unit or business commencing with the second dwelling unit or business. Exception: apartments shall pay seventy five percent (75%) of the capital improvement charge(s) noted above. Said capital improvement charge(s) are based upon requirements of the El Dorado irrigation district (EID) as detailed in the "agreement between city and EID for a water supply" and to the city for local water system capital improvements. Distribution of the funds generated by the capital improvements shall be directed to the EID for regional water system capital improvements, and to the city for water system capital improvements. The amount of capital improvement charges and distribution of said funds shall be set by council resolution and may be changed from time to time by the city council, when they deem such change necessary or for the best interest of the city. (Ord. 1560, 5-11-1999)

7-3-22: WATER SYSTEM EXTENSIONS, REIMBURSEMENT:

(A) Persons other than the city may desire to alter and/or extend the city's water facilities to make water and/or fire protection, as required by title 3, chapter 10 of this code, available to properties lying

beyond existing facilities. The person desiring to alter and/or extend such water facilities must make an application with the city engineer requesting that such facilities be altered and/or extended and must file plans and specifications showing how the facilities are to be altered and/or extended. Such alterations and/or extensions may be constructed by the applicant if the city engineer approves the application, plans and specifications.

(B) In the event the city engineer determines that properties, other than the property being developed by the person constructing the water facilities, benefit from the construction, the city may enter into an appropriate reimbursement agreement with the person constructing the water line and/or fire protection. Said agreement shall provide that the city shall, but without liability therefor, endeavor to collect by way of connection charges and/or development fees and reimburse to such developer so much of the construction costs of said water facilities as may be practicably collected from the property owners on the basis of the extent to which said water facilities shall benefit their respective properties. (Ord. 1343, 12-13-1983)

(C) Each reimbursement agreement with the developer shall be authorized by the council in the same manner as other contracts. Such reimbursement agreement and the rights therein granted shall be assignable by the person constructing such water line in the first instance.

(D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement, and the city shall thereafter retain any fees charged for connection to the system.

(E) The area to be benefited shall be determined by the city engineer, and a map designating the area to be benefited shall be attached to all reimbursement contracts.

(F) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the city engineer, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefits and allocations of cost by the city engineer shall be final and conclusive. (Ord. 1144, 2-14-1978)

(G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans and for the inspection of such work. (Ord. 1263, 5-26-1981)

(H) All charges to be made pursuant to this section shall be in addition to the meter installation fee required by section 7-3-17 of this chapter. (Ord. 1144, 2-14-1978)

(I) The developer or applicant shall pay all of the initial costs of constructing an extension to the water and/or installing any fire protection devices as set forth pursuant to this section. The parties within the area that will benefit from the extension to the water and/or the installation of fire protection devices shall pay their proportionate share of the cost at such time as they connect to the extension of the water line or as part of the payment of any required development fees. (Ord. 1343, 12-13-1983)

(J) It shall be unlawful for any person to break, damage, destroy or tamper with any water line, structure, appurtenance or equipment which is a part of the waterworks system of the city. Any violation shall be subject to penalty section 1-4-5 of this code. (Ord. 1355, 5-8-1984)

Chapter 4
SEWER REGULATIONS

7-4-1: DEFINITIONS:

When used in this chapter, the following words shall have the meanings herein ascribed to them:

APARTMENTS: Multiple-family structures, including mobile home parks, containing two (2) or more dwelling units intended for residential use located on any parcel of real property or lot.

BASE CHARGE: The minimum bimonthly charge for consumption from one to seven hundred fifty (750) cubic feet.

BIOCHEMICAL OXYGEN DEMAND (BOD): An estimate of the amount of organic material in a sample of water that can be oxidized by microorganisms under standard conditions. It is used to determine the strength of a wastewater, the efficiency of the wastewater treatment plant processes and to determine the oxygen load that the effluent from the plant has on the receiving water. A sample is incubated for five (5) days at twenty degrees Celsius (20°C). The reduction in dissolved oxygen concentration during the incubation period yields a measure of biochemical oxygen demand.

CCF: A unit of one hundred (100) cubic feet of water delivered to the user as a measure of the estimated volume of wastewater discharged by the user into the wastewater system.

CESSPOOL: An excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, effluent from septic tanks, together with the water used in carriage of the sewage or drainage but which does not have watertight walls and bottom.

CITY: The city of Placerville, a municipal corporation of the state of California.

CITY SEWER: Any sewer pipeline or other system appurtenance which is under the jurisdiction of the city, also termed "public sewer".

COSTS OF SERVICES: All costs incurred to construct, operate, maintain, and finance the wastewater system, including fixed and variable operations and maintenance costs, debt service, capital costs, and inflow and infiltration costs.

DIRECTOR: The city of Placerville, director of public works or authorized representatives.

FAST FOOD RESTAURANT: An establishment that prepares and serves food for consumption but one that does not have a commercial type dishwasher or a commercial type garbage disposal that processes solid waste.

HEALTH OFFICER: The health officer of El Dorado County.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

LIFELINE: A rate discounted for low income users who qualify for AT&T's Lifeline program and/or Pacific Gas And Electric's CARE program.

LOWER LATERAL: The portion of a sewer lateral located within the public right of way connecting an upper lateral to the city's sewer system.

pH: The logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution. A pH test determines the strength of the acid or alkali in the sewage.

PRIVY: A structure used as a toilet under a part or all of which is a vault or pit intended for the reception of human waste material.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ($^1/_2$") (1.27 cm) in any dimension.

RATE: The total or component amount of an individual wastewater service charge.

REST HOMES/HOUSING FACILITIES: Any facility, place or building which is maintained and operated to provide nonmedical residential care, daycare or house finding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons. A community care facility may provide incidental medical services.

REVENUE PROGRAM GUIDELINES: The state water resources control board published guidelines for establishing wastewater rates.

SEPTIC TANK: A watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside the tank through a subsurface drainage system.

SEWAGE: Domestic or industrial waste substances, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excrement, offal or any feculent matter, or combination thereof, collected by the city's sewer system and treated at the city's wastewater treatment plant.

SEWER LATERAL: The sewer line beginning at the foundation wall of any building and terminating at the sewer main and shall include the upper and lower lateral.

SEWER MAIN: A public sewer pipeline designed to receive the flow from more than one sewer lateral.

SINGLE-FAMILY: A structure containing a single dwelling unit intended for occupancy by one family and located on a parcel or real property or lot.

STRENGTH: Refers to state water resources control board published characteristics for commercial and industrial users, and is a measure of BOD (ppm) and SS (ppm) concentration of discharge to the system.

TOTAL SUSPENDED SOLIDS (TSS) OR SUSPENDED SOLIDS (SS): Those solids that either float on the surface of or are in suspension in sewage or other liquids, and which are removable by filtration under standard laboratory procedures and expressed in milligrams per liter. A well mixed sample is filtered through a weighed standard glass fiber filter and the residue retained on the filter is dried to a

constant weight at one hundred three (103) to one hundred five degrees Celsius (105°C). The increase in weight of the filter represents the total suspended solids.

UPPER LATERAL: That portion of a sewer lateral beginning at the foundation wall of any building or industrial facility and running to the property line.

USER CATEGORY: The various categories used for determining the various rates for wastewater service charges.

UTILITY SERVICE ACCOUNT: An account established for either water service, wastewater service, or both, for a residential or nonresidential user. (Ord. 1646, 5-8-2012)

7-4-2: SEWER RATES:

The rates to be charged all persons using or required by law to use the wastewater system of the city or any part thereof shall be set from time to time by resolution of the city council. (Ord. 1646, 5-8-2012)

7-4-3: BASIS FOR DETERMINING RATES:

The rates shall meet state and federal requirements that user rates reflect the costs of services. Costs of services are allocated on the basis of effluent flow and strength.

(A) User Categories: Each user will be assigned to a category based upon state water resources control board published industrial characteristics for effluent strength. The user categories are as follows:

Residential users:

Apartment buildings
Single-family

Nonresidential users:

Bars
Car washes
Churches
Fairgrounds
Fast food service
Fire stations
Halls
Hospitals
Hotels/motels
Laundromats
Markets
Mortuaries
Movie theaters
Rest homes/housing facilities
Restaurants
Retail stores and offices

Schools
Service stations

(B) Consumption Based Rates: Each user will be charged based upon actual use or consumption. Consumption is determined by the cubic feet of water used as follows:

1. For residential users, the consumption will be determined by each user's wet weather flows during the billing period of December 16 of the preceding year through February 15 of the current year. The first seven hundred fifty (750) cubic feet will be included in the bimonthly base charge. For each cubic foot thereafter, the charge will be based on a per one hundred (100) cubic feet water consumption basis.

2. For nonresidential users, the consumption will be determined by each user's contemporaneous water consumption.

3. For newly established residential accounts, the citywide average residential wet weather water consumption shall be the basis for the first year rates.

4. For those residential users who are not city water customers and use well water, the consumption basis for calculating the rate will be the average residential wet weather flow for a single-family dwelling, or in the event the user is a multi-family dwelling, the average wet weather flows of a comparable dwelling. For those residential users who are not city water customers and purchase water from the El Dorado irrigation district, the consumption basis for calculating rate will be the wet weather flow of the preceding year as reported by the El Dorado irrigation district.

(C) Customer Dispute Of Bill: In the event any person is dissatisfied with the amount of their bill and believes that they discharge less than one hundred percent (100%) of their metered water through the sewer they may:

1. Install at their own expense and maintain a sewer and/or an irrigation meter in good working order. An irrigation meter will separately measure nonsewer related water consumption thereby reducing the customer's sewer bill. The person desiring to install an irrigation meter must submit an application with the public works department and comply with the provisions of the department's irrigation meter policy. The meters herein referred to shall be subject to inspection by the director.

2. Protest to the city clerk, and the director shall investigate the percentage of metered water actually discharged through the sewers owned by the person and report the percentage to the city council.

(D) Council To Adjust Rate: If the council is satisfied, under either of the provisions of subsection (C) of this section, that the percentage of metered water that goes through the user's sewer is less than one hundred percent (100%), it shall fix the percentage and shall adjust the rate of the user according to their actual use, subject to the minimum monthly rate in effect. (Ord. 1646, 5-8-2012)

7-4-4: UTILITY SERVICE CHARGES; WHEN DUE:

(A) Utility service account payment shall be due upon receipt of invoice. Utility service charges are payable bimonthly and shall become delinquent twenty (20) days from the date of the mailing of the utility account invoice. Delinquent accounts will be subject to a late charge of twenty dollars ($20.00). Water and sewer service charges are inseparable and the failure to pay either charge on

a utility service invoice will result in the termination of water and sewer services. Termination of services shall be pursuant to division 5, chapter 1, article 1, commencing with sections 10009 through 10011 of the Public Utilities Code of the state of California. In the event that a utility service account remains delinquent and a turnoff order is issued, a disconnection/reconnection charge as determined by resolution of the city council shall be paid for each occasion that the city has to disconnect and/or reconnect service discontinued for nonpayment of utility service invoice. No service which has been discontinued for nonpayment of utility service charges shall be reconnected until all current and delinquent utility charges are paid. In cases when delinquent utility charges remain unpaid, the city shall have the right to lien against the real property and/or cause legal action to be brought against the utility account holder.

(B) Notwithstanding the provisions of subsection (A) of this section, a utility service customer may avoid late charges and termination of service by paying one-half ($^1/_2$) of the invoice amount of utility service charges before the delinquency date as set forth in subsection (A) of this section, and the remaining one-half ($^1/_2$) of said utility service invoice amount within thirty (30) days after the delinquency date set forth in subsection (A) of this section. In this event, it is the responsibility of the customer to notify the finance department of the city of Placerville of their intent to pay utility service charges pursuant to this subsection. The utility service customer will not receive an additional bill for the remaining fifty percent (50%) of the utility service invoice amount and it will be the customer's responsibility to pay said amount within the thirty (30) day period set forth herein. (Ord. 1646, 5-8-2012)

7-4-5: UNMETERED WATER:

(Rep. by Ord. 1604, 10-25-2005)

7-4-6: NONPAYMENT OF CHARGES; DISCONNECTION:

(Rep. by Ord. 1604, 10-25-2005)

7-4-7: RESPONSIBILITY FOR PAYMENT OF CHARGES:

All utility service accounts and bills shall be recorded in the name of the person(s)/entity requesting utility service. However, when service is provided to a multi-unit residential structure or other similar structures, as set forth in sections 10009 and 10009.1 of the California Public Utilities Code, residential occupants of such structures shall have the right to become customers pursuant to the provisions of sections 10009 and 10009.1 of the California Public Utilities Code. (Ord. 1646, 5-8-2012)

7-4-8: UTILITY SERVICE DEPOSITS:

For newly established utility service accounts, or as a condition to reconnecting utility service to an account for which service was terminated for nonpayment of utility service invoice, the applicant may be required, at the discretion of the finance director, to deposit a sum of money prior to establishing the account or reconnecting service, which sum shall be based solely on the credit worthiness of the applicant as determined by the finance director. Any such deposit shall be subject to the provisions of

section 10009.6 of the California Public Utilities Code and shall not exceed twice the estimated average periodic bill. (Ord. 1646, 5-8-2012)

7-4-9: USERS OUTSIDE CITY LIMITS:

(A) If there be a request from any one or more persons or government agencies outside of the city to use the sewer system of the city, the city council shall then consider each such request upon its own merit. Any determination made by the city council with respect to any requests shall in no way be binding upon the city with respect to any other requests. The city shall in no event consider a request to use the sewer system of the city for the land outside the city which lies outside of the Placerville watershed. The city council shall consider all requests if the land is being used for residential or governmental purposes.

(B) If the city should allow any land outside of the city to hook onto the sewer system of the city, then the following regulations shall apply:

1. Any extensions or upsizing of the city sewer line shall be designed and constructed by and at the expense of the person or persons requesting the sewer service.

2. Any sewer line constructed shall be properly designed and constructed as detailed in section 7-4-14 of this chapter.

3. Any sewer line constructed pursuant to this chapter shall be of sufficient size to provide for future connections and shall be properly engineered to permit minimal maintenance. The adequacy of the size shall be determined by the director.

4. The city shall inspect and supervise the installation of any sewer line constructed pursuant to this chapter. The person or persons requesting the sewer line shall pay all charges including overhead to the city for such inspection and supervision. This charge shall be paid within ten (10) days after the request is made by the city.

(C) If any owner of real property receiving sewer services pursuant to this chapter should fail to comply with anything contained in this chapter, the city may then terminate sewer services after thirty (30) day written notice to the property owner with respect to the real property outside the city owned by such defaulting owner. (Ord. 1646, 5-8-2012)

7-4-10: SEWER FUND:

All monies received under this chapter shall be used for the repair, replacement and maintenance of the sewer system and all equipment thereof and the extension of the lines thereof within the city, it being the intent and purpose of this chapter to provide funds for the operation of the sewer system without resorting to other funds of the city. (Ord. 1646, 5-8-2012)

7-4-11: ENFORCEMENT:

The director shall be charged with the administration of the sewerage system and the enforcement of the provisions of this chapter. (Ord. 1646, 5-8-2012)

7-4-12: CONNECTIONS TO SEWER LINE:

Any person desiring to make a connection to the city sewer system or to a private sewer line which connects with the city sewer system must first make an application with the public works department and receive a permit from the city.

Each apartment in an apartment house, each separate housing unit in a townhouse or condominium, and each mobilehome within a mobilehome park shall be considered as a separate dwelling unit. (Ord. 1646, 5-8-2012)

7-4-13: CAPITAL IMPROVEMENT CHARGE:

A capital improvement charge shall be paid at time of permit issuance, in an amount which shall be set from time to time by resolution of the city council.

In the event more than one dwelling unit or business is discharging wastewater through the same connection to the city sewer system, there shall be an additional capital improvement charge in an equal amount for each additional dwelling unit or business. (Ord. 1646, 5-8-2012)

7-4-14: DESIGN AND INSTALLATION OF SEWER PIPES; MINIMUM REQUIREMENTS:

(A) The design criteria, preparation of plans and specifications, and the construction of all public sewers shall comply with the El Dorado irrigation district (EID) sewer design standards, standard detail drawings and technical specifications, except as specified within the city of Placerville standard plans and specifications.

(B) The preparation of the plans and specifications shall be by a person or persons, firm, partnership or corporation legally authorized to practice civil engineering in the state of California.

(C) Where the improvement plans submitted cover only a portion of the ultimate development of the property, a sewer master plan shall be submitted to and approved by the director that shows how sewage service will be provided to the remainder of the property within the development. If further extension of the sewer system to additional parcels is probable, then the sewer master plan shall take into account the entire sewer drainage watershed area and shall be submitted to and approved by the director prior to the submittal of the first set of sewer plans for the development.

(D) Complete plans and specifications for the proposed improvement must receive approval by the director before any work is started on construction of the project.

(E) No alterations shall be made to an approved set of plans or specifications unless such changes, corrections, or additions are resubmitted to the director for approval, and no modification or deviation from the plans or specifications shall be made during construction without written authorization from the director.

(F) All public sewers and all necessary easements or other land rights shall be deeded to the city upon completion of construction and acceptance by the director. No new connections shall be made to the public sewer prior to the city's acceptance of the improvements as public sewers. (Ord. 1646, 5-8-2012)

7-4-15: STORM OR DRAINAGE WATER PROHIBITED:

It shall be unlawful for any person to discharge or permit the discharge of any water, except sewage water only, including storm drainage or groundwater into any sewer or pipeline or sewer mains of the city. "Drainage" and "stormwater" within the meaning of this chapter expressly includes water flowing from the roofs of buildings, creeks, springs and from the surface of lands and also includes irrigation water. (Ord. 1646, 5-8-2012)

7-4-16: SEWER SYSTEM EXTENSIONS; REIMBURSEMENT:

(A) Persons other than the city may from time to time desire to have the sewer main facilities of the city extended for the purpose of making sewer facilities available to properties lying beyond the existing sewer main facilities. The person desiring to extend the sewer main facilities must make application with the director requesting that the sewer main facilities be extended and must file with the director plans and specifications setting forth the manner in which the sewer main facilities are to be extended. The sewer main facilities may be extended by the applicant in the event that the director approves the application, together with the plans and specifications.

(B) In the event the director determines that properties other than the property being developed by the person constructing the sewer facilities benefits from the construction, the city may enter into an appropriate reimbursement agreement with the person constructing the sewer facilities. Said agreement shall provide that the city shall, but without liability therefor, endeavor to collect by way of connection charges and reimburse to such initial developer so much of the construction costs of said sewer line facilities as may be practicably collected from the property owners on the basis of the extent to which said sewer line shall benefit their respective properties.

(C) Each reimbursement agreement with the developer shall be authorized by the city council in the same manner as other contracts. Such reimbursement agreement and the rights therein granted shall be assignable by the person constructing such sewer line in the first instance.

(D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement, and the city shall thereafter retain any fees charged for connection to the system.

(E) The area to be benefited shall be determined by the director, and a map designating the area to be benefited shall be attached to all reimbursement contracts.

(F) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the director, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the director shall be final and conclusive.

(G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans and inspection of such work.

(H) The developer or applicant shall pay all of the initial costs of constructing an addition to the sewer line as set forth pursuant to this section. The parties within the area that will benefit from the addition to the sewer line shall pay their proportionate share of the cost at such time as they connect to the extension to the sewer line. (Ord. 1646, 5-8-2012)

7-4-17: SEWER SYSTEM EXTENSIONS BY CITY; REIMBURSEMENT:

(A) The city may from time to time extend the sewer line facilities of the city for the purpose of making sewer service available to properties lying beyond existing sewer line facilities.

(B) Where such extensions of sewer line facilities are constructed by the city, the director shall determine the area and the specific parcels of property which will benefit from each such extension of sewer line facilities, and shall prepare a map designating the area to be benefited.

(C) The owner of any property determined by the director to benefit from the extension of sewer line facilities under this section shall, at the time application is made to connect to the sewer line, pay a fee to the city to reimburse the city for that property's proportionate share of the construction costs of the sewer line, including interest at the rate of three percent (3%) per year from the date the sewer line extension is completed and accepted by the city to the date the fee is paid.

(D) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the director, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the director shall be final and conclusive.

(E) All charges levied pursuant to this section shall be in addition to the capital improvement charge required by section 7-4-13 of this chapter. (Ord. 1646, 5-8-2012)

7-4-18: REGULATION AND CONTROL OF WASTEWATER DISCHARGES:

(A) Wastewater may be discharged into public sewers for collection, treatment, and disposal by the city, provided that such wastewater discharge is in compliance with this chapter and the user pays all applicable city sewer use charges.

(B) No person shall discharge, or cause to be discharged, into a public sewer wastewater which will result in nuisance, or contamination, or pollution in receiving waters.

(C) No person shall discharge, or cause to be discharged, wastewater into a public sewer if it contains substances or has characteristics which, either alone or by interaction with other wastewaters, cause or threaten to cause:

1. Damage to city facilities.

2. Interference with, or impairment of, operation or maintenance of city facilities, including flow overloading.

3. Obstruction of flow in city facilities.

4. Danger to life or safety of any person.

5. Interference with treatment or disposal processes.

6. Flammable or explosive conditions.

7. Wastewater, or any other byproducts of the treatment process, to be unsuitable for reclamation and reuse, or to interfere with any processes for reclamation.

8. Noxious or malodorous gases or odors.

9. Discoloration or any other condition in the quality of the city's treatment plant effluent such that water quality requirements cannot be met by the city.

10. Conditions which violate any statute or any rule, regulation, or ordinance of any public agency.

(D) It is unlawful for any person to transport domestic sewage, septic tank or cesspool cleanings, sludge, or any other polluted wastewaters into the city, except as authorized by the director and health officer.

(E) It is unlawful for any person to make a connection with or opening into, use, alter, or disturb any sanitary sewer or appurtenance thereof without first obtaining a written permit from the director.

(F) It is unlawful for any person to wilfully break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the city's sewer system including the city's pumping stations or the city's wastewater treatment plant.

(G) It is unlawful for any person to wilfully obstruct, or cause to be obstructed, any sewer in such a manner as to impede the natural flow of sewage through or from such sewer.

(H) No person shall discharge cooling water, any unpolluted water from a production, manufacturing, or processing operation, or treated groundwater (from a groundwater remediation site) without obtaining permission from the director.

(I) The connection of the drain from any swimming or wading pool to a sanitary sewer shall be prohibited unless required by the health officer and approved by the director.

(J) No person shall connect, or cause to be connected, the outlet of a cesspool, septic tank, or a drain therefrom to any sanitary sewer.

(K) It shall be unlawful to dispose of material pumped from septic tanks and grease trap/interceptors in the sewerage system except at the times and places and in the manner directed by the director.

(L) No person shall discharge or cause to be discharged into a public sewer the following:

1. Any water or waste having a pH lower than 5.0, greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the city;

2. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F);

3. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty degrees Fahrenheit (150°F);

4. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($^3/_4$) horsepower or greater shall be subject to the review and approval of the director;

5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

6. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the director for such materials;

7. Any waters or wastes containing phenols or other waste or odor producing substances, in such concentrations exceeding limits which may be established by the director 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;

8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;

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,

   (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein;

10. Those pesticides and other toxic pollutants in toxic amounts, as determined by the administrator of the environmental protection agency in accordance with the federal act, such other federal or state act as may be applicable and as further designated from time to time by the director, including the following substances or materials containing these substances:

    (a) Aldrin, dieldrin,

(b) Benzidine,

(c) Cadmium,

(d) Cyanide,

(e) DDD, DDE, DDT,

(f) Endrin,

(g) Mercury,

(h) Polychlorinate biphenyls (PCBs), and

(i) Toxaphene;

11. Any ashes, cinders, sand, silt, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or obstruction to flow in sewers or other interference with proper operation or maintenance of the sewerage system;

12. Any discharges of such quantities or such qualities that they are not amendable to adequate treatment or reduction by the sewage treatment process employed;

13. Discharges prohibited by the environmental protection agency regulations promulgated under the federal act.

(M) If the waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (C) of this section, and which, in the judgment of the director, 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 director 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 cost of handling and treating the wastes not covered by sewer charges under the provisions of subsection (J) of this section. If the director 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 director, and subject to the requirements of all applicable codes, ordinances and laws.

(N) 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 said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the 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.

(O) It shall be unlawful for any person to wilfully break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the sewerage system of the city. Any violation shall be subject to penalty section 1-4-5 of this code. (Ord. 1646, 5-8-2012)

7-4-19: RESPONSIBILITY OF THE PROPERTY OWNER:

(A) Every parcel controlled by one owner shall have a sewer lateral from the parcel to the city sewer system. The city shall not be responsible for any construction, repair or maintenance for any sewer line other than the city's sewer mains.

(B) When a public sewer is constructed by a property owner and offered to the city for maintenance and operation, and said public sewer is not within a public right of way, a public sewer easement shall be granted to the city. Said easement shall be for pipeline purposes and incidentals thereto, including the construction and maintenance of gravity or pressure sewer lines, together with the right of ingress and egress, upon, over, under and across the property it is constructed upon. Current and future property owners shall keep the easement free of permanent structures, debris, parked vehicles or trailers, trees, tall landscaping, or any other objects that could obstruct ingress and egress on, over and across the property.

(C) It shall be the responsibility of the property owner requesting a sewer connection to bring his sewer lateral to the city's sewer main where the connection is to be made.

(D) The connection of the sewer lateral into the public sewer shall conform to the requirements of the building and plumbing codes as adopted in title 4 of this code, and other applicable rules and regulations of the city. All connections shall be made gastight and watertight. A cleanout shall be installed at the property line. The cleanout shall be in an approved box and shall be easily accessible. The sewer lateral and cleanout shall be maintained by the property owner.

(E) Upon payment of the applicable building, water and sewer fees, the director shall approve the location of all water and sewer connection sites before the necessary permits are issued, and all new connections or changes in existing connections must be inspected by an authorized representative of the city before the sewer and water lines are backfilled.

(F) When a sewer lateral is not available, the installation of the sewer lateral and the connection to the public sewer shall be done only by a contractor licensed by the state of California to do this type of work. Such contractor also shall possess a current business license issued by the city and have on deposit with the city a surety bond in a form approved by the city in the sum of twenty thousand dollars ($20,000.00) to guarantee the faithful performance of all terms and conditions of the city. Construction shall be as follows:

1. The director shall be notified forty eight (48) hours, not including weekends and holidays, in advance before a connection is made to a public sewer, and in no case shall the sewer lateral and connection be covered until the work has been inspected.

2. Construction operations shall be conducted in such a manner as to cause as little inconvenience as possible to abutting property owners and the traveling public. The contractor shall furnish,

erect, and maintain such lights, signs, barricades, and other devices as are necessary to prevent accidents. The contractor shall obtain all necessary permits to complete the work.

(G) The sewer lateral, whether installed at the time the public sewer is constructed or not, shall be installed and maintained at the sole expense of the property owner. The city is responsible for maintenance only of the public sewer.

(H) No person shall make connection of roof downspouts, exterior foundation drains, stormwater drains, or other sources of surface runoff or groundwater to a sewer lateral which, in turn, is connected directly or indirectly to a public sewer.

(I) For all industrial zoned and commercial properties that could produce high strength/flow sewage, the owner shall construct a metering/sampling manhole near the property line where the building sewer connects with the service sewer when required by the director. Said metering/sampling manhole shall be constructed in accordance with a standard plan approved by the director and shall be constructed at the sole expense of the owner. For properties currently connected to the public sewer that do not have metering/sampling manholes, the owner shall construct a metering/sampling manhole at his/her expense when directed by the director.

(J) Where there is no city sewer main adjacent to the property line, then it shall be the responsibility of the property owner to extend the public sewer line to the city sewer main in accordance with city standards. (Ord. 1646, 5-8-2012)

7-4-20: VIOLATIONS AND PENALTIES:

(A) Any person violating any of the provisions of this chapter, or any amendments thereto, shall be served with a written notice by the director (except as provided in subsection (B) of this section), stating the nature of the violation and fixing a time limit for the satisfactory correction thereof.

(B) If the director determines that a violation of any of the provisions of this chapter, or any amendments thereto, results in the immediate threat of a public hazard or an immediate menace to the public health or safety, the director may enter the premises without notice and do everything necessary to abate such hazard or menace to the public health or safety. The actual cost incurred by the director in taking such abatement action shall be a legal charge against the violator.

(C) Any person wilfully violating any of the foregoing provisions of this chapter, or any amendments thereto, or who shall continue the violation beyond the time specified in the notice to correct such violation, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(D) The violator of any of the provisions of this chapter, or any amendments thereto, shall become liable to the city for expense, loss, or damage to the city by reason of such violation. (Ord. 1646, 5-8-2012)

7-4-21: CESSPOOLS AND PRIVIES PROHIBITED:

It shall be unlawful for any person to construct, use or allow to remain a cesspool or privy, on any property, place of business, residence or building in the city. (Ord. 1646, 5-8-2012)

7-4-22: SEPTIC TANKS; PERMIT REQUIRED:

It shall be unlawful for any person to construct a septic tank in the city unless because of the terrain it is not feasible to connect with the city sewer system, and in that event, a permit must be first obtained from the development services director. When connection to the city sewer system is not feasible, a building permit shall not be issued until the proposed building site is inspected and approved by the county or city health officer and all county regulations regarding septic tanks have been complied with. Upon presentation of an approved, numbered septic tank permit issued by an authorized city or county health officer, a building permit may be issued by the duly authorized representative of the city showing thereon the approved septic tank permit number. (Ord. 1646, 5-8-2012; amd. Ord. 1654, 6-25-2013)

Chapter 5
FATS, OILS AND GREASE (FOG)

7-5-1: PURPOSE:

(A) The purpose of this chapter is to facilitate the maximum beneficial use of the city's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils and grease (FOG) into the public sewer system, and to specify appropriate FOG discharge requirements for food service establishments as defined herein.

(B) The provisions set forth in this chapter are designed to ensure compliance with federal, state and local laws and regulations, and to allow the city to meet applicable standards.

(C) This chapter also establishes quantity and quality standards on all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows. (Ord. 1646, 5-8-2012)

7-5-2: APPLICABILITY:

This chapter shall apply to discharges of wastewater containing FOG conveyed to the public sewer system from any commercial or institutional food service establishment. (Ord. 1646, 5-8-2012)

7-5-3: DEFINITIONS:

Subject to the foregoing, the meaning of the terms used in this chapter shall be as follows:

BEST MANAGEMENT PRACTICES OR BMPs: Activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the introduction of FOG into the public sewer

system.

BLOCKAGE: A partial or complete obstruction of wastewater flowing through a sewer pipeline.

CHANGE IN LAW: A change to any state or federal law, permit or regulation; changes to this code; changes to any city national pollutant discharge elimination system (NPDES) permit or waste discharge requirement (WDR); or the subsequent existence of any court order, consent decree, injunction or other regulatory or legal imposition that affects the use and/or operation of the city's sanitary sewer system and any other public or private sanitary sewer systems, lines or other public or private infrastructure that connects to the city's sanitary sewer system.

CHANGE IN OPERATIONS: Any change in the ownership, food types, or operational procedures that have the potential to change the amount of fats, oils and grease (FOG) discharged by a food service establishment (FSE) to the city's wastewater collection and treatment system.

CITY: The city of Placerville, a municipal corporation of the state of California.

COLLECTION SYSTEM: The public sewer system consisting of all pipes and conveyance system components conveying wastewater to the city's wastewater treatment plant (Hangtown Creek Water Reclamation Facility (HCWRF)).

COMMISSARY: An establishment which is used as a base of operations for one or more motorized food wagons or pushcarts, where such unit or units and/or equipment are serviced, cleaned, supplied and/or maintained.

COMPOSITE SAMPLE: A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) is intended to form a representative sample of the waste stream discharged during the sample period.

DESIGN HYDRAULIC DEPTH: Total operating depth of interceptor contents at which interceptor is designed to operate.

DIRECTOR: The city of Placerville director of public works or authorized representative.

ENFORCEMENT OFFICER: Any city employee or agent of the city with authority to enforce the provisions of this chapter and the authority to make any decision, on behalf of the director, required or called for by this chapter.

FATS, OILS AND GREASE OR FOG: Any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

FOOD GRINDER: Any device installed in the plumbing or wastewater system for the purpose of grinding food or food waste.

FOOD SERVICE ESTABLISHMENT OR FSE: A facility, including, but not limited to, any commercial or institutional entity within the sanitary sewer service area of the regional wastewater control facility, operating in a permanent structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving, manufacturing, packing or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health And Safety Code section 114149.1 or in accordance with the California uniform retail food facilities law (CURFFL)[1]. The term "food service establishment" or "FSE" also means any commissary where food is

prepared using fats, oils or grease and/or which receives water from motorized food wagons or pushcarts containing fats, oils or grease. A limited food preparation establishment is not considered an FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that the establishment has no wastewater discharge containing a significant amount of FOG.

GRAB SAMPLE: A sample taken from a waste stream on a onetime basis without regard to the flow in the waste stream and without consideration of time.

GREASE CONTROL DEVICE: Any grease interceptor, grease trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the public sewer.

GREASE INTERCEPTOR: A multicompartment device that primarily uses gravity to separate FOG from the wastewater as it moves from one compartment to the next. The design, construction, sizing and installation of grease interceptors shall conform to this chapter and the most current edition of the California plumbing code. In the event of conflict, this chapter will control.

GREASE TRAP: A grease control device that is used to serve individual plumbing fixtures. A grease trap is typically installed indoors, under or near a dishwashing sink.

HOT SPOTS: Sewer lines that have experienced grease related blockages or sanitary sewer overflows (SSOs) and that must be cleaned or maintained frequently to avoid blockages of the public sewer.

INSPECTOR: A person authorized by the director to inspect any existing or proposed wastewater generation, conveyance, processing and/or disposal facilities.

INSTITUTION: A school, church, hospital, convalescent home or other similar entity.

INTERCEPTOR: See definition of Grease Interceptor.

LATERAL: The private sewer line connecting a home or other structure to the city's sewer main, including the portion of the line lying within the public right of way, often referred to as the "lower" lateral.

MANIFEST: That receipt which is retained by an FSE for the disposal of FOG, recyclable wastes and/or liquid wastes.

NEW CONSTRUCTION: Any structure planned or under construction for which a sewer connection permit has not been issued.

PERSON: Any individual, partnership, copartnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

PUBLIC SEWER: A sewer system which is controlled by a public authority.

REMODEL OR REMODELING: Any physical and/or operational change to an FSE that involves any one or a combination of the following:

(A) Under slab plumbing in the food processing area;

(B) A thirty percent (30%) or greater increase in the net public seating area;

(C) A thirty percent (30%) or greater increase in the size of the kitchen area;

(D) Any change in the size or type of food preparation equipment;

(E) Any remodel, addition, alteration or repair valued greater than seventy five thousand dollars ($75,000.00).

RESPONSIBLE PERSON: A person who the director determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of this code, any applicable uniform code, applicable state codes, any national pollutant discharge elimination system (NPDES) permit or any wastewater discharge permit. The term "responsible person" includes, but is not limited to, a property owner, tenant, person with a legal interest in the property, person in possession of the property or person that exercises custody and control over the property.

SANITARY SEWER: A sewer which conveys wastewater.

SANITARY SEWER OVERFLOW OR SSO: Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

SEWER FACILITIES OR SEWER SYSTEM: Any and all facilities used for collecting, conveying, pumping, treating and disposing of sewage, wastewater and/or sludge.

SEWER LATERAL: A building sewer as defined in the latest edition of the California plumbing code. It is the wastewater pipeline connecting a building's wastewater plumbing to the public sewer.

SLUDGE: Any solid, semisolid and/or liquid decant, sediment or supernatant from a manufacturing process, utility service, tank, vault or FOG control facility.

STORM DRAIN: A pipe or conduit for carrying storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

TWENTY FIVE PERCENT RULE: Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed twenty five percent (25%) of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG discharged to the sewer system.

WASTE: Wastewater and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

WASTEWATER: The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs, and institutions, whether treated or untreated, which is discharged into the city's wastewater collection system. (Ord. 1646, 5-8-2012)

7-5-4: FOG DISCHARGE LIMITATION:

No FSE shall discharge FOG, or cause FOG to be discharged, into the public or private sewer or lateral

that causes an SSO or that may accumulate and/or cause or contribute to blockages in the public or private sewer or lateral which connects the FSE to the public sewer. (Ord. 1646, 5-8-2012)

7-5-5: PUBLIC SEWER OVERFLOWS; PUBLIC NUISANCE; ABATEMENT ORDERS AND CLEANUP COSTS:

(A) The discharge of FOG into the public or private sewer that causes an SSO or that accumulates or has the potential to accumulate such that it may or does cause or contribute to a blockage of the public or private sewer or lateral that may result in an SSO, presents a risk to the public health, safety and welfare and is hereby declared a public nuisance and may be abated pursuant to the provisions of this chapter, or by any means otherwise provided by law.

(B) When the director determines that an FSE has discharged FOG and that FOG discharge has caused a blockage of the public or private sewer or lateral or an SSO, the director may order the FSE owner or the property owner to install and maintain a grease interceptor and to devise and implement a plan to abate the nuisance created by the FOG discharge through the cleaning, repair or replacement of any sewer facilities obstructed or damaged thereby.

(C) At the reasonable discretion of the director or at the request of the property owner or operator of the FSE, the city may act immediately to clear or repair any public or private sewer or lateral and contain and clean any SSO caused by the blockage of a private or public sewer or lateral or system serving an FSE. Any cost, expense, liability, fine, penalty or other payment made or incurred by the city to clear or repair any public or private sewer or lateral, or to contain, clean, report and otherwise remediate any SSO, caused by the blockage of any public or private sewer or lateral caused by the discharge of FOG by an FSE shall be borne jointly and severally by the property owner and owner of the FSE and shall constitute a debt to the city, due and payable upon demand and collectible in any manner provided by law. (Ord. 1646, 5-8-2012)

7-5-6: KITCHEN BEST MANAGEMENT PRACTICE (BMP) REQUIREMENTS:

(A) All FSEs shall implement kitchen best management practices in accordance with the requirements and guidelines established by the director under the FOG control program in an effort to minimize the discharge of FOG to the sewer system.

(B) All FSEs shall be required, at a minimum, to implement and comply with the following kitchen best management practices:

1. Drain screens shall be installed on all drainage pipes in food preparation areas.

2. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Waste cooking oil shall be transported by a licensed waste hauler to an approved recycling or disposal site in accordance with all applicable federal, state, and/or local laws.

3. All garbage and food waste shall be disposed of properly in trash bins or containers, and not in sinks.

4. Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning kitchen exhaust filters, floor mats and kitchen equipment shall be disposed of properly in compliance with these regulations.

5. Employees of FSEs shall be trained by ownership/management periodically on the following subjects:

(a) How to "dry wipe/scrape" pots, pans, dishware, utensils, equipment and work areas before washing to remove FOG;

(b) How to properly dispose of garbage, food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors;

(c) The location and use of absorption products to clean under fryer baskets and other locations where FOG may be spilled or dripped;

(d) How to properly dispose of FOG from cooking equipment into a FOG receptacle such as a barrel, drum or bin without spilling.

Training shall be documented for each employee. Training records shall be available for review at any reasonable time by the director. Training records shall be retained for a minimum of three (3) years. (Ord. 1646, 5-8-2012)

7-5-7: PROHIBITIONS; REQUIREMENTS:

(A) Discharge into the sewer system of FOG that may accumulate and/or cause or contribute to blockages in the sewer system including the lateral is prohibited.

(B) Installation of food grinders in the plumbing system are prohibited when new FSEs are constructed and when existing FSEs are required to install grease control devices and/or install grease interceptors. FSEs shall remove all existing food grinders within one hundred eighty (180) days from the effective date of this chapter except upon the issuance of a conditional waiver by the director pursuant to section 7-5-13 of this chapter.

(C) Introduction of any additives into the plumbing system of an FSE, grease interceptor or grease control device for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance is prohibited.

(D) Disposal of waste cooking oil into the public sewer or storm drain is prohibited.

(E) Discharge of wastewater from dishwashers to any grease interceptor or grease control device is prohibited.

(F) Discharge of wastewater with temperatures in excess of one hundred forty degrees Fahrenheit (140°F) into any grease interceptor or grease control device is prohibited.

(G) Discharge of wastes from toilets, urinals, wash basins and other fixtures containing fecal materials to sewer lines directed to any grease interceptor or grease control device is prohibited.

(H) Discharge of any waste including FOG and solid materials removed from a grease control device to the public sewer system is prohibited. Grease removed from grease interceptors shall be transported to an approved disposal or recycling facility.

(I) Operation of grease interceptors with FOG and solids accumulation exceeding twenty five percent (25%) of the design hydraulic depth of the grease interceptor is prohibited. The grease and solids layers combined shall not exceed twenty five percent (25%) of the total interceptor liquid depth.

(J) Increasing the use of water or in any other manner attempting to dilute a discharge as a way of achieving compliance with these regulations is prohibited. (Ord. 1646, 5-8-2012)

7-5-8: FOG CONTROL REQUIREMENTS:

(A) Every FSE is required at the time of construction, remodel, and/or change in operations to install, operate and maintain a grease interceptor necessary to maintain compliance with the objectives of this chapter, subject to the waiver provisions of section 7-5-13 of this chapter. The grease interceptor installed shall be adequate to separate and remove FOG contained in wastewater from the FSE prior to discharge to the public sewer system as determined by the most current edition of the California plumbing code. Fixtures, equipment and drain lines located in the food preparation and cleanup areas of an FSE shall be connected to the grease interceptor. Dishwashers shall not be connected to the grease interceptor.

(B) Compliance shall be established as follows:

1. New Construction Of FSEs: New construction of any FSE shall include complete installation of a grease interceptor prior to commencing discharges of wastewater to the public sewer, unless a waiver is obtained in accordance with section 7-5-13 of this chapter.

2. Existing FSEs:

(a) Any existing FSE, which has caused or contributed to grease related blockage in the public sewer, has one or more sewer laterals connected to pipelines on the city's "hot spot" list and/or has contributed significant FOG to the public sewer, shall be deemed to have reasonable potential to adversely impact the public sewer and shall be required to install a grease interceptor within one hundred eighty (180) days following issuance of written notification by the director.

(b) Any existing FSE or FSE that changes ownership or that undergoes remodeling and/or a "change in operations", as defined in this chapter, shall be required to install a grease interceptor or to obtain a waiver in accordance with section 7-5-13 of this chapter. (Ord. 1646, 5-8-2012)

7-5-9: COMMERCIAL AND INSTITUTIONAL PROPERTIES:

Any owner, or official designee, of a commercial and/or institutional property where one or more FSEs are located shall be responsible for the installation and maintenance of the grease interceptor(s) serving the FSEs that are located on that property, as required by this chapter. (Ord. 1646, 5-8-2012)

7-5-10: GREASE INTERCEPTOR REQUIREMENTS:

(A) Any FSE required by this chapter to provide FOG control shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this chapter.

(B) Grease interceptor design, construction, sizing and installation shall conform to the most current edition of the California plumbing code. Grease interceptors shall have a minimum of two (2) compartments.

(C) The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

(D) An access manhole, with a minimum diameter of twenty four inches (24"), shall be provided over each grease interceptor chamber and each sanitary tee within the interceptor. The access manholes shall extend at least to finished grade and be designed and maintained to prevent the entry of groundwater or stormwater runoff. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(E) All grease interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have grease retention fittings shall be repaired and/or retrofitted with appropriate grease retention fittings.

(F) No FOG that has accumulated in a grease interceptor shall be discharged into any sewer lateral or public sewer. In addition, FOG shall not be transferred to or disposed of in a storm drain, public right of way, or onto the surface of any street, sidewalk, landscaping area or parking area.

(G) The required maintenance frequency for every FSE with a grease interceptor shall be determined by the director pursuant to the following criteria and procedures:

1. All grease interceptors shall be maintained in efficient operating condition by periodic removal of the full contents of the interceptor, which includes wastewater, accumulated FOG, floating materials, sludge and solids.

2. Grease interceptors shall be fully pumped out and cleaned once every three (3) months or when the combined FOG and solids accumulation in the grease interceptor equals twenty five percent (25%) of the design hydraulic depth of the grease interceptor, whichever occurs first. The purpose of the twenty five percent (25%) rule is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG from being discharged to the public sewer system.

3. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in subsection (G)2 of this section, the FSE shall be required by the director to have the grease interceptor pumped and cleaned as soon as possible, but in no case more than seventy two (72) hours following issuance of an order to clean by the director, unless otherwise specified by the director.

4. The director may require any FSE with a grease interceptor to submit data and information necessary to establish the required maintenance frequency of the grease interceptor.

5. The director may change the required maintenance frequency at any time to reflect changes in actual operating conditions when sufficient data has been obtained and validated to warrant a different frequency based on the requirements described in subsection (G)2 of this section or other guidelines adopted by the city pursuant to the FOG control program. The required maintenance frequency may increase or decrease based on the actual generation of FOG from the FSE but shall not be less frequent than once every three (3) months unless specific written authorization from the director is obtained.

(H) Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be transported by a licensed waste hauler to an approved recycling or disposal site in accordance with all applicable federal, state, and/or local laws. FSEs shall obtain and maintain a copy of the waste hauler's documentation which shall include:

1. Name of the hauling company;

2. Name and signature of the operator performing the pump out;

3. Documentation of a full pump out indicating the total volume of water and FOG removed in gallons;

4. Documentation of the level by percentage of the combined FOG and solids accumulation in the interceptor in order to determine compliance with the twenty five percent rule;

5. Documentation regarding whether repairs to the grease interceptor are required;

6. Identification of the facility where the waste hauler has transported the waste.

(I) The director may direct city staff or a city contractor to pump and clean an FSE's grease interceptor if the FSE has failed to comply with the terms of this chapter. The FSE jointly and severally with the property owner shall be responsible for any and all expenses of the city in undertaking such work and such expenses are deemed a debt of the owner of the pertinent FSE and the property owner to the city, enforceable and collectible as provided by law.

(J) Abandoned grease interceptors shall be immediately emptied and filled by the property owner with a suitable material as required for abandoned septic tanks as specified in the most current edition of the California plumbing code. (Ord. 1646, 5-8-2012)

7-5-11: FACILITIES AND DRAWING SUBMITTAL REQUIREMENTS:

Upon request by the director:

(A) Any FSE and/or property owner may be required to submit to the city two (2) copies of facility site plans, floor plans, mechanical and plumbing plans, detail drawings showing all sewer locations and connections, and schematic drawings of grease interceptors, FOG control devices or other FOG control equipment and appurtenances by size, location and elevation. The submittal shall be in a form and content acceptable to the director for review of the existing or proposed grease control device, monitoring facilities, metering facilities, and operating procedures. The review of the plans

and procedures shall in no way relieve the FSE of the responsibility of modifying the facilities or procedures in the future as necessary to produce an acceptable discharge, and to meet the requirements of this chapter or the requirements of any other regulatory agency.

(B) The director may require the drawings be prepared by a California registered civil, chemical, mechanical, or electrical engineer. (Ord. 1646, 5-8-2012)

7-5-12: RECORDKEEPING REQUIREMENTS:

The FSE and the property owner shall be required to maintain on the FSE premises copies of all documentation required in this chapter for no less than three (3) years. The FSE and the property owner shall, upon request, make the documentation readily available for inspection at any time to the director, any inspector and/or enforcement officer and the public. Required documentation shall include:

(A) A record or logbook of grease interceptor and/or grease control device cleaning and maintenance practices and activities;

(B) A record or logbook of kitchen BMPs being implemented, including employee training;

(C) Copies of waste hauling records and manifests for grease interceptor contents and waste oil disposal and recycling;

(D) Records of solids accumulation in the grease interceptor to determine compliance with the twenty five percent (25%) rule;

(E) Records of all sampling data;

(F) Records of any spills and/or cleaning of the sewer lateral or public sewer;

(G) Any other information necessary to ensure compliance with this chapter. (Ord. 1646, 5-8-2012)

7-5-13: WAIVER OF GREASE INTERCEPTOR REQUIREMENTS:

(A) Waiver: Subject to the limitations contained in subsections (B) and (C) of this section, the director may grant a conditional waiver of the requirement to install a grease interceptor and remove existing food grinders.

(B) Negligible FOG: The director may grant for new construction, including remodels, a conditional waiver to any FSE and/or property owner that the director determines to have negligible FOG discharge and insignificant impact to the public sewer system. Notwithstanding the granting of a conditional waiver however, the FSE or property owner may nonetheless be required to provide space and plumbing segregation for future installation of a grease interceptor. In making the

determination as to whether to grant the conditional waiver, the director shall make all of the following findings:

1. The quantity of FOG discharge as measured or indicated by the size of the FSE based on kitchen ventilation requirements, water usage, menu, seating capacity, number of meals served, amount of on site consumption of prepared food, number of plumbing fixtures and other conditions does not indicate that the FSE will materially contribute to existing or potential FOG discharges.

2. The FSE does not appear to be a significant contributor of FOG into the sewer system, which is based on an inspection of the property or sampling of FOG discharged from the FSE to the sewer system.

3. The FSE has adopted and implemented adequate BMPs and has no recent history of noncompliance with the city's FOG related regulations and requirements.

4. The size, grade and condition of the sewer lines serving the FSE do not indicate that the FSE has discharged an excessive amount of FOG in the sewer, and the history of maintenance, blockages and SSOs in the public sewer system lines receiving flow from the FSE do not deviate substantially from those experienced in other adjacent sewer lines.

5. There is no reason to believe that the operations of the FSE will change in the foreseeable future in a manner that may significantly increase the amount of FOG the FSE will discharge.

6. There is no other condition reasonably related to the generation of FOG discharges into the sewer by the FSE that will, in the sound judgment of the director, warrant the denial of the conditional waiver in the interest of protecting the public health, safety and welfare.

(C) Installation Not Feasible: Where the installation of a grease interceptor in an existing structure is not feasible, an FSE and/or property owner may be granted a conditional waiver of the grease interceptor requirement upon the payment of a grease disposal mitigation fee as described in section 7-5-18 of this chapter. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer system. The director's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon one or more of the following findings:

1. There is inadequate space for installation and/or maintenance of a grease interceptor;

2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the proposed grease interceptor and/or between the proposed grease interceptor and the lateral or the public sewer system;

3. Any other condition reasonably related to the installation, operation, maintenance and/or inspection of a grease interceptor, which makes installation and/or maintenance of a grease interceptor infeasible.

(D) Application For Conditional Waiver Of Requirement For Grease Interceptor: An FSE or property owner may submit to the director an application for conditional waiver from the grease interceptor requirement. The party applying for the conditional waiver bears the burden of demonstrating that the installation of a grease interceptor is not feasible or otherwise required. A waiver may be issued upon determination by the director that reasons are sufficient to justify such a waiver, as provided in subsections (B) and (C) of this section.

(E) Terms And Conditions Of Waiver: The conditional waiver shall contain the terms and conditions that serve as the basis for its issuance. A waiver may be revoked by the director at any time upon his or her determination that any of the terms or conditions for its issuance have not been satisfied or if the conditions upon which the waiver was based have changed so that the justification for the waiver no longer exists. The waiver shall be valid so long as the FSE remains in compliance with the terms and conditions, until the expiration date specified in the waiver, or until the conditional waiver is revoked.

(F) Revocation Of Conditional Waiver Of The Requirement To Install A Grease Interceptor: The director may revoke any conditional waiver of the requirement to install a grease interceptor, which also revokes the waiver to remove existing food grinders, granted pursuant to this section, subject to the procedures and limitations provided in this subsection.

1. Should the director determine that, due to changed circumstances or failure to comply with the terms or conditions imposed upon the issuance of the conditional waiver, a conditional waiver that was previously issued and remains valid should be revoked, the director shall provide notice by regular mail to the owner of the affected FSE and the property owner no less than thirty (30) days prior to the proposed effective date of the revocation. The notice shall provide an explanation of the facts and circumstances that the director has determined warrant revocation of the conditional waiver and an opportunity to respond in writing to the director with information and evidence to justify the continuation of the conditional waiver in accordance with its terms and conditions.

2. Prior to making the final determination to revoke a conditional waiver the director shall review and consider the written information provided pursuant to subsection (F)1 of this section.

3. The determination of the director to revoke a conditional waiver granted pursuant to this section shall be set forth in writing provided to the owner of the affected FSE and the property owner by regular mail, and shall be based on the director's reasonable determination that one or more of the following circumstances exists or has occurred:

(a) The owner of the affected FSE and/or the property owner has failed to abide by any term or condition imposed upon the conditional waiver;

(b) One or more of the findings made by the director pursuant to subsection (B) or (C) of this section, due to changes in the operation of the FSE, changes in the condition, use or available capacity of the sewers serving the FSE or other changed circumstances, are no longer true; or

(c) A change in law bearing upon the use or operation of the city's sanitary sewer system requires the revocation of the conditional waiver. (Ord. 1646, 5-8-2012)

7-5-14: FACILITIES MONITORING AND RIGHT OF ENTRY REQUIREMENTS:

(A) The director may require the FSE or property owner to construct and maintain in proper operating condition at their sole expense, flow monitoring, water quality monitoring and/or sampling facilities.

(B) The location of the monitoring facilities shall be representative of actual discharge conditions.

(C) FSEs and/or owners of premises where wastewater is generated and discharged to the sewer system shall allow the director and designees immediate and safe access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time.

(D) The FSE or property owner shall, upon request, submit to the director waste analysis plans, contingency plans, and other necessary information to verify compliance with these regulations.

(E) Testing procedures for waste constituents and characteristics shall be as provided in title 40 code of federal regulations part 136.

(F) In the event of an emergency involving an actual or imminent SSO, the director and designees may access adjoining businesses or properties that share a public sewer system with an FSE in order to prevent or remediate the actual or imminent SSO. (Ord. 1646, 5-8-2012)

7-5-15: MONITORING AND REPORTING CONDITIONS:

(A) The director may require periodic reporting of the status of implementation of kitchen BMPs, in accordance with the FOG control program.

(B) If, following an inspection of the FSE, it is apparent that the FSE has not used or maintained its grease interceptor or grease removal device, has failed to properly implement kitchen BMPs, or has failed to abide by any condition imposed upon a conditional waiver granted pursuant to section 7-5-13 of this chapter, the director may require visual camera inspection at the sole expense of the FSE or property owner to observe the actual conditions of the sewer lateral serving the property and sewer lines downstream.

(C) The director may require reports for self-monitoring of wastewater constituents and FOG characteristics from the FSE or property owner needed for determining compliance with any conditions or requirements as specified in this chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the director and shall be submitted upon request of the director. Failure by the FSE or property owner to perform any required monitoring, or to submit monitoring reports required by the director constitutes a violation of this chapter and shall be cause for the city to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in this chapter. The FSE and property owner shall be responsible for any and all costs and expenses of the city in undertaking such monitoring analyses and preparation of reports and such costs and expenses are deemed a debt of the owner of the pertinent FSE and the property owner to the city, enforceable and collectible as provided by law.

(D) Other reports may be required by the director, such as compliance schedule progress reports, FOG control monitoring reports, grease interceptor and grease removal device operation and maintenance reports, and any other reports deemed reasonably appropriate by the director to ensure compliance with this chapter. (Ord. 1646, 5-8-2012)

7-5-16: INSPECTIONS AND SAMPLING CONDITIONS:

(A) The director may inspect and sample or order the inspection and sampling of the wastewater discharges of any FSE to ascertain whether the intent of these regulations is being met and the FSE is complying with all requirements. The FSE shall allow access to the FSE premises, during

normal business hours, for purposes of inspecting the FSE's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.

(B) The director shall have the right to place or order the placement on the FSE's property, or other locations as determined by the director, such devices as are necessary to conduct sampling or metering operations. Where an FSE or property owner has security measures in force, the FSE or property owner shall make necessary arrangements so that the director and/or an inspector shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

(C) In order for the director to determine the wastewater characteristics of the FSE for purposes of determining compliance with this chapter, the FSE shall make available for inspection and copying by the director, an inspector, an enforcement officer and/or service personnel, all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation and wastewater disposal. All such records shall be kept by the FSE a minimum of three (3) years. (Ord. 1646, 5-8-2012)

7-5-17: PURPOSE OF CHARGES AND FEES:

It is the purpose of section 7-5-18 of this chapter to provide for the recovery of costs from FSEs and owners of property containing FSEs for the implementation of the program established in this chapter. (Ord. 1646, 5-8-2012)

7-5-18: CHARGES AND FEES:

(A) Adoption: The city shall adopt charges and fees by resolution which may include:

1. Fees for reimbursement of the costs to set up, implement and operate the city's FOG program;

2. Other fees as the city may deem necessary to carry out the requirements contained in this chapter.

(B) On Site Sampling And Analyses: Costs incurred by the city for, or as a result of, any and all required on site sampling and analysis are deemed a debt of the owner of the pertinent FSE and the property owner to the city, enforceable and collectible as provided by law.

(C) Closed Circuit Television Inspection: Costs incurred by the city for closed circuit television inspection to observe the actual conditions of an FSE's sewer lateral and sewer lines downstream are deemed a debt of the owner of the pertinent FSE and the property owner to the city, enforceable and collectible as provided by law.

(D) Noncompliance Charge: Any FSE and/or property owner determined to be in noncompliance with the terms and conditions specified in any provision of this chapter may be required to pay a noncompliance charge. The purpose of the noncompliance charge is to reimburse the city for costs of additional inspection and follow up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in

addition to and not in lieu of any penalties as may be assessed pursuant to section 7-5-25 of this chapter. Noncompliance charges shall be in the amount reasonably determined by the director.

(E) Grease Disposal Mitigation Fee:

1. Any FSE and/or property owner subject to the provisions of subsection 7-5-13(C) of this chapter shall be required to pay an annual grease disposal mitigation fee to reimburse the city for the costs of increased maintenance of the public sewer system as a result of the FSE's inability to adequately remove FOG from its wastewater discharge. This section shall not be interpreted to allow a new FSE or an existing FSE undergoing remodeling and/or a change in operations to operate without an approved grease interceptor unless the director has determined that it is impossible or impracticable to install and/or operate a grease interceptor for the subject facility pursuant to the provisions of section 7-5-13 of this chapter.

2. The grease disposal mitigation fee for each FSE shall be based on the estimated annual increased cost of maintaining the public sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor. (Ord. 1646, 5-8-2012)

7-5-19: FALSIFYING INFORMATION OR TAMPERING WITH PROCESS:

It is unlawful to make any false statement, representation, record, report, plan or other document that is filed with the city and/or the director, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this chapter. (Ord. 1646, 5-8-2012)

7-5-20: NOTIFICATION OF SPILL:

(A) In the event an FSE or property owner is unable to comply with any provision of this chapter due to a breakdown of equipment, accidents, or human error or the FSE or property owner has reasonable opportunity to know that their discharge will exceed the discharge provisions of this chapter, the FSE and property owner shall immediately notify the public works department by telephone. If material is discharged by an FSE to the public sewer system that the owner of the FSE and/or the property owner believes or reasonably should believe has the potential to cause or result in an imminent sewer blockage or SSO, the FSE and property owner shall immediately notify the public works department.

(B) Confirmation of this notification shall be made in writing to the director postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, to whom the FSE and/or property owner provided notification, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

(C) Such notification shall not relieve the FSE or the property owner of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the city or any other damage or loss to persons or property; nor shall such notification relieve the FSE or the property owner of any fees, charges or other liability which may be imposed by these regulations or other applicable law. (Ord. 1646, 5-8-2012)

7-5-21: NOTIFICATION OF PLANNED CHANGES:

The FSE and the property owner shall notify the public works department at least sixty (60) days prior to any facility expansion or remodeling, process modifications that may result in new or substantially increased FOG discharges, or a change in the nature of the discharge. The FSE and the property owner shall notify the public works department in writing of the proposed expansion or remodeling and shall submit any information requested by the public works department for evaluation of the effect of such expansion or remodeling on the FSE's FOG discharge to the public sewer system. (Ord. 1646, 5-8-2012)

7-5-22: HARMFUL DISCHARGE; IMMEDIATE SUSPENSION OR TERMINATION OF WASTEWATER SERVICE:

(A) The city may immediately suspend or terminate the wastewater service of an FSE and property owner when such suspension or termination is necessary in order to stop an actual or imminently threatened discharge that is in violation of law, including, but not limited to, the following:

1. An imminent or substantial endangerment to the health or welfare of people or the environment;

2. An obstruction to the wastewater collection system; or

3. Any circumstance that is likely to cause a violation of any relevant permit or waste discharge requirement of the city, or any applicable law, unless immediate action is taken to prevent its occurrence.

(B) Any person notified of a suspension or termination of wastewater service shall immediately stop or eliminate all discharges to the public sewer system. In the event of a failure of the person to comply voluntarily with the suspension or termination order, the director shall take such steps as he or she deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the environment, collection system and/or the regional wastewater control facility. The director may reinstate the wastewater service only upon proof that the circumstance that caused the suspension or termination of wastewater service has been adequately addressed and the circumstance no longer presents a danger to the environment or to the city's wastewater system. A detailed written statement submitted by the FSE and the property owner describing the cause of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the director within fifteen (15) days of the effective date of the suspension or termination. (Ord. 1646, 5-8-2012)

7-5-23: FAILURE TO COMPLY WITH FOG REGULATIONS; SUSPENSION AND/OR TERMINATION OF WASTEWATER SERVICE:

(A) In accordance with the procedures and limitations provided in subsection 7-5-22(B) of this chapter, the director may suspend and/or terminate wastewater service to an FSE and property owner when the director determines that the FSE has failed to comply with the requirements of this chapter, with respect to any of the following particulars:

1. Failed to comply with the terms and conditions of a compliance schedule order;

2. Knowingly provided a false statement, representation, record, report, or other document to the city and/or the director;

3. Refused to provide records, reports, plans, or other documents required by the city and/or the director to determine compliance with this chapter;

4. Falsified, tampered with or knowingly rendered inaccurate any monitoring device or sample collection method;

5. Refused reasonable access to the FSE for the purpose of inspection and monitoring;

6. Failed to make timely payment of all amounts owed to the city imposed pursuant to this chapter;

7. Discharged FOG that caused an obstruction or sewer blockage in the public sewer system or an SSO;

8. Violated grease interceptor maintenance requirements or any provision of this chapter pertaining to maintenance and operation of any grease interceptor or grease control device;

9. Failed to report significant changes in operations, or wastewater constituents and characteristics.

(B) For the purpose of making the determination of noncompliance pursuant to subsection (A) of this section, the director may rely upon any evidence or information available and may gather other necessary information as needed through imposition of reasonable sampling and inspection requirements conducted at a time, location, manner, and frequency determined at the reasonable discretion of the director. The inspections may include, but are not limited to, inspection of the grease control device, grease interceptor and associated manifests and documentation, or analysis of a grab or composite sample of the wastewater discharged from the FSE. (Ord. 1646, 5-8-2012)

7-5-24: COMPLIANCE TIME SCHEDULE IN LIEU OF SUSPENSION OR TERMINATION OF WASTEWATER SERVICE:

(A) Upon determination that an FSE is in noncompliance with the terms and conditions specified in any provision of this chapter, or needs to construct and/or acquire and install a grease control device or grease interceptor, the director may require the FSE to enter into a compliance time schedule on terms and conditions specified by the director.

(B) The compliance time schedule may contain terms and conditions including, but not limited to, requirements for installation of a grease control device, submittal of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this chapter.

(C) If compliance is not achieved in accordance with the terms and conditions of a compliance time schedule during its term, the director may issue an order suspending or terminating wastewater service pursuant to section 7-5-23 of this chapter. (Ord. 1646, 5-8-2012)

7-5-25: VIOLATIONS AND PENALTIES:

(A) Violations of this chapter are misdemeanors as provided in subsection 1-4-5(A) of this code.

(B) Any FSE or property owner in violation of this chapter, or the orders, rules and regulations issued under this chapter may be ordered by the director to cease and desist operations until the violation is cured. Continuance of operations after notice to cease and desist has been furnished to the FSE and/or property owner shall be unlawful and a misdemeanor as provided in subsection 1-4-5(A) of this code. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) The violation of any of the provisions of this chapter, or the orders, rules and regulations issued under this chapter, or the doing of any act prohibited or the failure or omission to do any act required by this chapter, or the orders, rules and regulations issued under this chapter, is a public nuisance and may be enjoined though a civil action brought by the city attorney.

(D) If any violation of this chapter, or the orders, rules and regulations issued under this chapter, causes damage to the public sewer system and/or the regional wastewater control facility, the FSE jointly and severally with the property owner causing such damage shall be liable therefor and the cost thereof shall be deemed a debt to the city, enforceable and collectible as provided by law.

(E) To remedy violations of this chapter, the director is authorized to issue notices of violation, administrative citations and impose administrative civil penalties pursuant to title 1 of this code.

(F) The remedies and provisions of this section are cumulative, and are in addition to any other remedy or provision of law. (Ord. 1646, 5-8-2012)

7-5-26: APPEALS:

(A) Any FSE or property owner affected by a decision, action, or determination, including suspension, revocation, refusal or termination of wastewater service, cease and desist order, or imposition of civil penalties issued by the director, or any other action of the director in interpreting or implementing the provisions of this chapter, may file with the director a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the request for reconsideration. The director shall provide a written decision regarding the request for reconsideration within thirty (30) days following the filing of the request for reconsideration. The director shall serve the written decision upon the affected FSE and/or property owner by either personal service, facsimile, overnight courier or regular mail.

(B) Any FSE or property owner aggrieved by the decision of the director regarding a request for reconsideration specified in this section may appeal said decision and request an administrative hearing and decision in accordance with the procedures set forth in section 1-4A-61, "Judicial Review", of this code. Appeal shall be through judicial review of the final administrative decision by filing a petition for a writ of mandate with the superior court in accordance with the provisions of sections 1094.5 and 1094.6 of the California Code Of Civil Procedure. Such writs must be filed within ninety (90) calendar days from the date of the final administrative decision. (Ord. 1646, 5-8-2012)

Chapter 6
MOSQUITO CONTROL

7-6-1: STANDING POOLS OF WATER PROHIBITED:

It shall be unlawful to maintain or permit, within the limits of the city, any collection of standing water in which mosquitoes breed or are likely to breed, unless the collection of water is treated so as effectually to prevent such breeding. Any collection of water considered by this section shall be held to be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar water containers. (Ord. 757, 6-15-1953)

7-6-2: TREATMENT OF WATER:

The method of treatment of any collection of water, such as specified in this section, directed toward the prevention of breeding of mosquitoes shall be approved by the accredited health officer and may be any one or more of the following:

(A) Screening with wire netting of at least sixteen (16) meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.

(B) Complete emptying every seven (7) days of unscreened containers together with their thorough drying or cleaning.

(C) Using a larvicide approved and applied under the direction of the health officer.

(D) Covering completely the surface of the water with kerosene, petroleum, or paraffin oil once every seven (7) days.

(E) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito destroying fish.

(F) Filling or draining to the satisfaction of the health officer or his accredited representative.

(G) Proper disposal by removal or destruction of tin cans, tin boxes, broken or empty bottles, and similar articles likely to hold water. (Ord. 757, 6-15-1953)

7-6-3: FAILURE TO PREVENT MOSQUITO BREEDING:

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three (3) days after notice by the health officer or his authorized representative, shall be deemed a violation of this chapter. (Ord. 757, 6-15-1953)

7-6-4: ABATEMENT BY HEALTH OFFICER; LIEN:

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same, within three (3) days after due notice has been given to them, the health officer is hereby authorized to do so, and all necessary cost incurred by him for this purpose shall be a charge against the property owner or other person offending as the case may be. (Ord. 757, 6-15-1953)

7-6-5: RIGHT OF ENTRY FOR ENFORCEMENT:

For the purpose of enforcing the provisions of this chapter, the health officer may at all reasonable times enter upon any premises within his jurisdiction; and any person charged with any of the duties imposed by this chapter failing within the time designated by this chapter or within the time stated in the notice of the health officer, as the case maybe, to perform such duties, or to carry out the necessary measures to the satisfaction of the health officer, shall be deemed guilty of a separate violation of this chapter. (Ord. 757, 6-15-1953)

Chapter 7
PEAR PSYLLA CONTROL

7-7-1: DEFINITIONS:

When used in this chapter, the following terms shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

INFESTED WITH PEAR PSYLLA: Evidence shows that pear psylla is present.

PEAR PSYLLA: The insect designated as Psylla pyricola. (Ord. 804, 5-5-1958)

7-7-2: NOTICE TO CONTROL:

The agricultural commissioner of the county, whenever he deems it necessary, may enter and make an inspection of any premises, tree or plant in the city, and if found infested with pear psylla, he may notify in writing the record owner of the premises, tree or plant, that the same is infested with pear psylla, and require the person to eradicate, destroy or control, to the satisfaction of the agricultural commissioner, the pear psylla within a reasonable time to be specified in the notice.

The notice may be served upon the record owner of the premises, tree or plant infested with pear psylla, in the same manner as a summons in a civil action, if the person can be found within the city. If no person upon whom service can be had can be found within the city, after diligent search, then the notice may be served by posting copies of the same in three (3) conspicuous places upon the property or premises, and by mailing a copy thereof to the owner at his last known address or to him at the county seat of the county wherein the property is situated, if his address is not known and cannot, by exercise of reasonable diligence, be ascertained. (Ord. 804, 5-5-1958)

7-7-3: ABATEMENT OF NEGLECTED PLANTS:

The county agricultural commissioner is hereby designated the officer authorized to abate as public nuisances any neglected or abandoned plants or crops which, because of the existence thereon of pests, or because of other conditions, constitute a menace to the agriculture of any county, district, or vicinity, or which are host plants of or provide a favorable and likely harbor for pests, including pear psylla, as provided in section 141 of the California Agricultural Code and section 3494 of the California Penal Code. (Ord. 804, 5-5-1958)

7-7-4: VIOLATION:

Every record owner of any premises, tree or plant infested with pear psylla who has been served with the written notice as provided in section 7-7-2 of this chapter who refuses, fails or neglects to eradicate, destroy or control, to the satisfaction of the agricultural commissioner, the pear psylla within the time specified in the notice is subject to penalty section 1-4-5 of this code. (Ord. 1355, 5-8-1984)

Chapter 8
NUISANCES[1]

7-8-1: PUBLIC NUISANCE DEFINED:

A "nuisance" is a thing, act, occupation or use of property which:

(A) Shall annoy, injure or endanger the safety, health, comfort or repose of the public.

(B) Shall unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage a public park, square, street, alley or highway.

(C) Shall offend public decency.

(D) Shall in any way render the public insecure in life or in use of property. (1962 Code)

7-8-2: NUISANCES AFFECTING HEALTH:

The following are hereby declared to be nuisances affecting health:

(A) Unwholesome Food: All decayed or unwholesome food offered for sale to the public.

(B) Diseased Animals: All diseased animals running at large.

(C) Stagnant Water: All ponds or pools of stagnant water.

(D) Dead Animals: Carcasses of animals not buried or destroyed within twenty four (24) hours after death.

(E) Accumulations: Accumulations of manure or rubbish.

(F) Flytight Cans And Vaults: Privy vaults and garbage cans which are not flytight.

(G) Pollution: The pollution of any public or private well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.

(H) Weeds: All noxious weeds and other rank growths upon public or private property.

(I) Contagious Diseases: All public exposure of persons having a contagious disease.

(J) Public Drinking Cup: The use of a common public drinking cup or roller towel.

(K) Medicine Samples: The distribution of samples of medicine or drugs unless such samples are placed in the hands of an adult person.

(L) Other Nuisances: All other acts, omissions of acts, occupations and uses of property which are deemed by the board of health to be a nuisance to the health of the inhabitants of this city or any considerable number thereof.

(M) Smoke And Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities. (1962 Code)

(N) Domestic Pet Waste: It shall be unlawful for any person owning or having control or custody of any domestic pet:

1. To permit or allow the pet to defecate upon the public property of the city or upon the private property of another person without the consent of the occupant or owner of that property unless the owner or the person having control or custody of the pet immediately removes the feces and properly disposes of it;

2. To walk a pet on public property of the city or upon the private property of a person without carrying at all times a suitable container or other suitable instrument for the removal and disposal of feces; or

3. To fail to dispose of the container of the feces in a sanitary manner.

4. Enforcement to take effect July 1995. (Ord. 1508, 5-10-1994)

7-8-3: NUISANCES AFFECTING MORALS AND DECENCY:

The following are hereby declared to be nuisances affecting public morals and decency:

(A) All houses kept for the purpose of prostitution or promiscuous intercourse, gambling houses, houses of ill fame and bawdy houses.

(B) All domestic animals in the act of copulation exposed to public view.

(C) All places where intoxicating liquor is manufactured, sold, bartered or given away in violation of law.

(D) All indecent or obscene pictures, books, pamphlets, magazines and newspapers.

(E) Betting, bookmaking, prizefighting and all apparatus used in such occupations in violation of law. (1962 Code)

7-8-4: NUISANCES AFFECTING PEACE AND SAFETY:

The following are declared to be nuisances affecting public peace and safety:

(A) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

(B) All limbs of trees which are less than eight feet (8') above the surface of any street or sidewalk.

(C) All wires which are strung less than fifteen feet (15') above the surface of the ground, except clotheslines.

(D) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount in violation of any law.

(E) All use or display of fireworks in violation of law.

(F) All unnecessary noise and annoying vibrations.

(G) All buildings and alterations to buildings made or erected within the fire limits as established in this code in violation of the regulations concerning manner and materials of construction.

(H) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by law.

(I) Radio aerials strung in any manner in violation of any law.

(J) Any use of property abutting upon a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets and sidewalks.

(K) All hanging signs, awnings and other similar structures over the streets or sidewalks, or situated as to endanger public safety, or constructed and maintained in violation of the provisions of this code pertaining thereto.

(L) The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

(M) All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public.

(N) All use of stationary loudspeakers in any part of the city in such manner as to annoy any of the inhabitants of the city.

(O) All irrigation water permitted to run in the streets or alleys of the city except such as is confined in irrigation ditches or flumes.

(P) All other conditions or things which are liable to cause injury to the person or property of anyone. (1962 Code)

7-8-5: VIOLATION; PENALTY:

Any person who shall knowingly cause or create a nuisance or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by him or them is subject to penalty section 1-4-5 of this code. (Ord. 1355, 5-8-1984)

Chapter 9
BEETLE INFESTED AND DEAD TREES

7-9-1: INSPECTING DEAD OR INFECTED TREES:

The city of Placerville and the United States forest service, through authorized employees, may go upon private property in the city of Placerville for the purpose of inspecting dead or beetle infested trees if there is reason to believe that there are either dead or beetle infested trees on the premises. (Ord. 1069, 2-25-1975)

7-9-2: NOTIFYING OWNER OF INFECTED TREES:

If upon inspection it is determined that there are either dead or beetle infested trees upon the premises which in the opinion of the person making the inspection should either be eradicated, destroyed or controlled in order to eliminate a dangerous condition and spread of the infestation, then the recorded owner of the premises should be notified in writing to eradicate or destroy the infested or dead trees or to control the beetle infestation within a reasonable period of time not to exceed thirty (30) days. The written notice should be sent to the recorded owner of the property at the last known address of the property owner on file with the assessor of El Dorado County. (Ord. 1069, 2-25-1975)

7-9-3: FAILURE TO ERADICATE:

If the property owner fails to eradicate or destroy the infested or dead trees or to control the beetle infestation as requested by the city of Placerville, then the city of Placerville may have this done by a private, professional tree surgeon and the property owner shall be obligated to pay the city the amount charged by the private, professional tree surgeon in eradicating or destroying the tree or controlling the infestation. (Ord. 1069, 2-25-1975)

7-9-4: CITY TO INSPECT AND ADVISE ONLY:

The city of Placerville, through its employees, is not going upon the property in order to eradicate, destroy or control the infested trees but is only going upon the premises to make inspections or to consult with or advise the property owner with respect to the dispensation of dead trees or the control of infested trees. (Ord. 1069, 2-25-1975)

Chapter 10
PUBLIC SPAS

7-10-1: NAME:

This chapter shall be known and may be referred to as the *CITY OF PLACERVILLE PUBLIC SPA* chapter. (Ord. 1218, 2-12-1980)

7-10-2: PURPOSE AND AUTHORITY:

This chapter is enacted for the purpose of licensing and regulating public spas. The city council of the city finds the use of whirlpools, spas or hot tubs when rented, used for a fee, or where use is allowed as an amenity to another enterprise, can readily allow disease transmission if not operated in a safe and sanitary manner and that operation in an unsafe and unsanitary manner is detrimental to the health and welfare of the people and is a public nuisance. (Ord. 1218, 2-12-1980)

7-10-3: DEFINITIONS:

DISINFECTING OR SANITIZING AGENT: Chlorine in a "free available state" or other equally effective compound approved for use by the health officer.

HEALTH OFFICER: The El Dorado County health officer or his deputies to include registered sanitarians.

PUBLIC SPA: An artificial basin, container or tank constructed of impervious material and used, or intended to be used, for recreative for hire bathing that incorporates water jets or an aeration system. Spas used under medical supervision or the supervision of a licensed physical therapist, and of a size only to be used by an individual, are exempt. (Ord. 1218, 2-12-1980)

7-10-4: PERMIT:

No person shall operate a public spa without a valid health permit issued by the El Dorado County health department. (Ord. 1218, 2-12-1980)

7-10-5: SUBMISSION OF PLANS, SPECIFICATIONS AND SUPPORTING DATA:

No person shall begin construction, reconstruction or alteration of a public spa without first submitting (in triplicate) plans, specifications and such other information as may be required to determine if the proposed facilities comply with these regulations to the city for review and written approval in advance of the issuance of any building or plumbing permit or construction. (Ord. 1218, 2-12-1980)

7-10-6: SHOWER AND TOILET FACILITIES:

Showers and toilets shall be clean and equipped in accordance with the California Administrative Code, title 17, section 7781. (Ord. 1218, 2-12-1980)

7-10-7: MATERIALS OF SPA:

The materials used for the spa shall not be adversely affected by exposure to rain, snow, ice, sunlight, local temperature extremes, local air pollution products and the mechanical, electrical and chemical environment in and around spas. The materials used for the spa shell shall, in addition, be light colored, smooth, easily cleanable and shall not be capable of cutting, pinching, puncturing or abrading the users. The shell shall be at all times maintained in a safe and sanitary manner. (Ord. 1218, 2-12-1980)

7-10-8: DIMENSIONAL DESIGN:

(A) Maximum water depth shall be four feet (4') (1.22 m) measured from the water line.

(B) The maximum depth of any seat or sitting bench shall be two feet (2') (61 cm) below the water line.

(C) There shall be at least one handrail. Steps or stairs shall be provided where depths are greater than two feet (2') (61 cm).

(D) The deck area shall extend around the spa at least four feet (4') (1.22 m) on two (2) sides. Deck shall be slip resistant, free from hazards and drain properly. (Ord. 1218, 2-12-1980)

7-10-9: WATER SUPPLY:

The water supply shall be from an approved potable supply and the supply shall be protected from cross connections. (Ord. 1218, 2-12-1980)

7-10-10: INLETS AND OUTLETS:

(A) The inlets and outlets must be designed to allow for uniform circulation. Outlets, except skimmers, on pump suction shall be covered with suitable antivortex grates that cannot be removed except with tools, The spa shall be equipped with at least one surface skimming device.

(B) Spa outlets shall be designed so that each pumping system in the spa (filter and/or booster systems) provides one of the following alternatives:

1. Provide two (2) outlets whose pipe diameter sizes are equal (this may be 2 outlet drains or an outlet drain and a skimmer). The system shall be designed so that neither one of the two (2) outlets can be cut out of the suction line by a valve or other means.

2. Provide a grate of at least one square foot.

3. Provide other approved means that guard against outlet entrapment. (Ord. 1218, 2-12-1980)

7-10-11: CIRCULATION SYSTEMS:

(A) The filter, pump, disinfection equipment and other related items shall be kept in an area accessible at all times. This area shall be separate from the customer use area. The jet or air system shall be separate from the filtration system. The one-half ($^1/_2$) hour "turnover" is required (30 minutes).

(B) A means shall be provided to drain the spa which may include: bottom drains, circulatory system, etc.

(C) All overflow shall be handled in a sanitary and safe manner so as not to create a nuisance. (Ord. 1218, 2-12-1980)

7-10-12: DISINFECTANT AND CHEMICAL FEEDERS:

The disinfecting or sanitizing agent shall be, remain at or above one ppm or one milligram per liter (1 mg/l) at all times the spa is in use. The pH shall be kept between 7.2 and 7.8. (Ord. 1218, 2-12-1980)

7-10-13: TEMPERATURE:

The maximum temperature of the spa water shall be one hundred five degrees Fahrenheit (105°F) (40.5°C). A thermostatic control for the water shall be required. (Ord. 1218, 2-12-1980)

7-10-14: MAINTENANCE AND SAFETY:

(A) The spa shall be brushed weekly and emptied at least once per month.

(B) There shall be depth markings plainly and conspicuously posted.

(C) Each spa shall be checked for pH and free chlorine residual every two (2) hours while in operation. There shall be a complete log kept on each spa unit.

(D) A precaution sign is to be mounted adjacent to the entrance to the spa as follows:

CAUTION

1. Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not enter the spa.

2. Unsupervised use by children is prohibited.

3. Do not use while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquilizers.

4. Do not use alone.

5. Observe a reasonable time limit, then shower, cool down and, if you wish, return for another brief stay. Long exposures may result in nausea, dizziness or fainting.

(E) A sign shall be posted in the immediate vicinity of the spa, stating the location of the nearest telephone with references that emergency telephone numbers are posted at that location. Those emergency numbers should include:

1. Name and phone number of nearest available police, fire and/or rescue unit.

2. Name and phone number of nearest available physician.

3. Name and phone number of nearest ambulance service.

4. Name and phone number of nearest available hospital.

(F) It is recommended the attendant be trained in first aid and CPR and have appropriate proof of proficiency. There must be a twenty four (24) unit first aid kit on the premises. (Ord. 1218, 2-12-1980)

7-10-15: ENFORCEMENT:

(A) The El Dorado County health officer shall enforce this chapter. The health officer shall have right of entry at all times the public spa is open for business. (Ord. 1218, 2-12-1980)

(B) Any person who operates any public spa without a valid, unexpired and unrevoked permit issued by the El Dorado County health department is subject to penalty section 1-4-5 of this code. (Ord. 1355, 5-8-1984)

(C) Any permit may be suspended or revoked by the health officer if there is a violation of this chapter. The health officer shall issue and serve upon the permittee a notice setting forth in clear and concise language the acts or omissions with which the permittee is charged and informing him of his rights to a hearing. At any time within the fifteen (15) day period after service of such notice, the permittee may request a hearing before the health officer to show cause why his permit should not be suspended or revoked. A failure to request a hearing within fifteen (15) days shall be deemed a waiver of a right to such hearing. The El Dorado County health officer may call a hearing for the purpose of investigating any violation of this chapter. (Ord. 1218, 2-12-1980)

Chapter 11
CLEAN INDOOR AIR AND HEALTH PROTECTION

7-11-1: PURPOSES:

The U.S. environmental protection agency (EPA) has determined that tobacco smoke is a major source of indoor air pollution, and the surgeon general's 1986 report on the health consequences of involuntary smoking concludes that exposure to tobacco smoke places healthy nonsmokers at increased risk for developing lung cancer. Other health hazards of involuntary smoking include respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and brochospasm. While all members of the population are truly at increased risk due to exposure to sidestream tobacco smoke, it constitutes a special health hazard for children, the elderly and people with chronic lung disorders.

The surgeon general labels smoking "the largest single preventable cause of death and disability for the U.S. population".

Employees subject to prolonged exposure to sidestream smoke in the workplace have been found in scientifically conducted studies to experience a decrease in job productivity and some have been forced to take periodic sick leave because of reactions to secondhand smoke.

Furthermore, studies have shown higher costs to the employer are associated with smoking in the workplace due to increases in absenteeism, accidents, costs of medical care, loss of productivity, and cleaning and maintenance requirements. A recent scientific study has reported that sidestream smoke from tobacco may cause a significant amount of cardiovascular disease in the United States and that

the number of deaths from this cause may exceed the deaths caused by lung disease associated with sidestream smoke. Smoking in public places and workplaces is a major cause of fires and damage to merchandise and equipment as well as costly maintenance and repairs to furniture and fixtures.

The healthcare costs produced by smoking related ailments and diseases constitute a heavy and avoidable financial drain on our community.

More than eighty percent (80%) of El Dorado County residents are nonsmokers, and the number of nonsmokers is steadily increasing. Opinion surveys show that a majority of both nonsmokers and smokers favor restrictions on smoking in public places and places of employment.

Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomforts of nonsmokers, and constitutes a public nuisance in public places and workplaces.

This chapter attempts to find a compromise that allows smokers to smoke, and others to breathe smoke free air.

This chapter is not to be interpreted as requiring restaurants or bars to provide a smoking area. (Ord. 1485, 12-10-1991)

7-11-2: AUTHORITY:

This chapter is enacted pursuant to the provisions of the Health and Safety Code for the purpose of restricting and regulating smoking in public places and in places of work in order to reduce the hazards and nuisance which smoking causes to those who are involuntarily exposed. (Ord. 1485, 12-10-1991)

7-11-3: DEFINITIONS:

As used in this chapter, the following words and phrases shall have the following meanings:

BAR: An area which is devoted to the serving of alcoholic beverages for consumption on the premises and in which the serving of food, if any, is incidental to the consumption of alcoholic drinks. When a bar is operated within a building in conjunction with another use, such as a restaurant, only the area utilized primarily for the consumption of alcoholic beverages shall constitute the bar. The dining area of a restaurant utilized primarily for the serving and consumption of food shall not constitute a bar, even though alcoholic beverages may be served therein. An establishment that serves food in the bar, and where there are fewer seats where food is served in the bar than seats at the bar, qualifies as a bar.

COMMERCIAL ENTERPRISE: Any business entity formed for profit making purposes, including professional corporations and other entities under which legal, medical, dental, engineering, architectural, or other professional services are delivered, and shall also include any person charged with the responsibility of controlling conduct on behalf of the above described enterprises upon any premises regulated by provisions of this chapter.

ENCLOSED AREA: All space between a floor and ceiling which is served by a common heating, ventilating or air conditioning system, and is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping", or similar structures.

LOBBY/RECEPTION AREA: An area that must be passed through in order to get to another destination.

MEMBERS OF THE GENERAL PUBLIC: Includes shoppers, customers, patrons, patients, students, clients and other similar invitees of a commercial enterprise or nonprofit entity, but excludes employees thereof, sales representatives, service repair persons, and persons delivering goods, merchandise or services to a commercial enterprise, nonprofit entity or county.

NONPROFIT ENTITY: Corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character building, political, social or other similar purposes, the net proceeds from the philanthropic, educational, character building, political, social or other similar purposes, the net proceeds from the operations of which are committed to promotion of the objects or purposes of the organization and not to private gain, together with any person charged with the responsibility of controlling conduct on behalf of the above described entities upon any premises regulated by the provisions of this chapter. A public agency is not a "nonprofit entity" within the meaning of this section.

OFFICE: An area enclosed by walls containing a desk, table or similar furnishings for clerical, administrative or supervisory work, a complex of such enclosures and a building containing such enclosures, whether or not the building is utilized primarily for other purposes such as retailing, wholesaling or storage, or manufacturing, together with all hallways, stairways, elevators, escalators, restrooms, lobbies, waiting rooms, reception areas, entry areas, and conference rooms within or associated with the complex of such enclosures, including: a) legal, medical, dental, engineering, accounting, counseling and other professional offices; b) insurance, real estate, ticket, collection agency, and other offices where business services are offered to or goods or services are offered to or may be ordered by or may be paid for by members of the general public.

PERSON: Any natural person, partnership, corporation, unincorporated association, joint venture, business trust, joint stock company, club, or other organization of any kind, except the county or any other public agency.

RESTAURANT: Any coffee shop, cafeteria, luncheonette, soda fountain, "fast food service", and other establishment where cooked or otherwise prepared food is sold to members of the general public for consumption on the premises. The term does not include a cafeteria or lunchroom defined as a "workplace" by subsection (C) of the definition of "workplace" in this section, whether or not members of the general public incidentally frequent the facility.

SMOKING: Lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed, or plant, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted weed, lighted plant, or other ignited combustible substance in any manner or in any form.

TOBACCO STORE: A place utilized primarily for the sale to members of the general public at retail of tobacco products or accessories, and in which the sale of any other products is merely incidental.

WORKPLACE: Any enclosed area which is occupied by two (2) or more employees of a commercial enterprise, nonprofit entity or city including, but not limited to, places:

(A) Utilized for: 1) the manufacturing, processing, assembly, maintenance, or repair of any products, goods, equipment, tools, appliances, furnishing or other object; or 2) the physical storage for purposes of wholesaling, future utilization for operational purposes, or future transfer preceding consumption or other utilization of any products, goods, merchandise, materials, supplies, equipment, tools, appliances or furnishings;

(B) Utilized or operated for a purpose described by section 7-11-4 of this chapter and from which members of the general public are excluded;

(C) Utilized as a union hall, cafeteria, lounge, lunchroom, restroom, conference room, training room, lecture room or classroom primarily for the use or benefit of employees.

Notwithstanding the provisions of this definition, a private residence including either an attached or detached garage shall not constitute a workplace, except when the residence serves as a licensed daycare facility for children. (Ord. 1485, 12-10-1991)

7-11-4: SMOKING PROHIBITIONS, PUBLIC PLACES:

(A) Unlawful To Smoke In Certain Places: Except as specifically provided, it is unlawful for any member of the general public or any other person, including an employee, to smoke in the public places named and described in this chapter, and other enclosed public places similarly situated, including, but not limited to, the following areas:

1. Common work areas occupied by employees performing clerical, technical, administrative or other business or work functions;

2. Merchandise display areas, checkout stations, and counters and other pay stations;

3. Hallways;

4. Restrooms;

5. Escalators, elevators and stairways;

6. Lobbies (unless a special room and/or outdoor ventilation system is installed);

7. Reception areas;

8. Waiting rooms;

9. Service lines;

10. Classrooms, meeting or conference rooms, or lecture halls;

11. Other places in which members of the general public congregate for service or otherwise frequent; and

12. The El Dorado Trail within the incorporated City limits of the City of Placerville. (Ord. 1691, 8-22-2017)

(B) Stores: The prohibitions contained in subsection (A) of this section shall be applicable to: 1) the enclosed common areas of shopping malls; 2) automobile dealerships, furniture or other showrooms for the display of merchandise offered for sale at retail; 3) grocery, specialty, department and other stores which sell goods or merchandise at retail, and 4) service stations, stores or shops for the repair or maintenance of appliances, shoes, or motor vehicles, barbershops, beauty shops, cleaners and laundromats, video game, and other amusement centers, and other similar establishments offering services or products to members of the general public.

(C) Banks: The prohibitions of subsection (A) of this section shall be applicable to banks, including savings and loan associations, credit unions and other similar institutions which offer financial services to members of the general public.

(D) Hotels/Motels: The prohibitions of subsection (A) of this section shall be applicable to hotels and motels in which guests typically rent lodging for continuous periods less than thirty (30) days. Smoking is permissible in rental rooms and in on premises restaurants and bars as provided in this section and section 7-11-6 of this chapter. The availability of all nonsmoking rooms will be prominently posted in the lobby sign in area. The rooms so designated will be posted as "Smoking Prohibited" and ash trays removed. Customers seeking accommodations will be routinely advised of the availability of nonsmoking rooms.

(E) Terminals: The prohibitions of subsection (A) of this section shall be applicable to depots and other terminals utilized by members of the general public for the purpose of being transported upon or departing from airplanes, trains, buses and taxis.

(F) Buses And Public Transit: Smoking by either passengers or operators shall be prohibited within buses, and all public transit conveyances operated by or licensed by the County.

(G) Theaters: The prohibitions of subsection (A) of this section shall be applicable to theaters, including motion picture theaters, meeting halls and auditoriums where motion pictures or live theatrical musical or dramatic productions are made to an audience consisting of members of the general public assembled for the purpose of witnessing the performance or presentation; provided, that neither this subsection nor subsection (A) of this section shall be construed to prevent smoking by performers in connection with a stage production or by persons making a presentation concerning addiction to tobacco or other drugs.

(H) Recreational Facilities: The prohibitions contained in subsection (A) of this section shall be applicable to sports pavilions, gymnasiums, exercise rooms, health spas, boxing arenas, swimming pools, roller and ice skating rinks, and other similar places where members of the general public assemble to either engage in physical exercise, participate in athletic competition or witness sports events.

Smoking is prohibited at all times within the seating areas of an enclosed arena and in any surrounding enclosed concourses where food and beverages are dispensed.

(I) Recreation Halls: The prohibitions of subsection (A) of this section shall be applicable to recreation halls and other similar facilities where members of the general public play bingo or cards, dance or engage in recreational, character building or cultural activities. An owner or operator may permit persons to smoke within a portion, not exceeding fifty percent (50%) of the main activities area of such facility and not including restrooms, lounges, and kitchens. Signs will be posted in the manner prescribed by section 7-11-8 of this chapter. It shall not constitute a violation of this chapter to smoke in a location where smoking has been authorized.

The provisions of this subsection shall not be construed to in any manner restrict or otherwise impair the authority of an owner or operator to prohibit smoking in such recreational facility. (Ord. 1485, 12-10-1991)

(J) Restaurants:

1. Within all restaurants, the prohibitions of subsection (A) of this section shall be applicable to lobbies, waiting areas, restrooms and such dining seating areas as are allocated for nonsmoking.

After adoption of this chapter the owner, manager, or operator shall post a notice at the restaurant entrance that a nonsmoking section is available. It shall not constitute a violation of this chapter to smoke in a location where smoking has been authorized.

2. The provisions of this subsection shall not be construed to in any manner restrict or otherwise impair the authority of an owner or operator to increase the nonsmoking seating in a restaurant or bar.

3. Smoking is prohibited and is unlawful in every publicly or privately owned restaurant except under the following circumstances where smoking may be permitted at the option of the establishment:

(a) Any area exterior to the building in which the establishment is located.

(b) The smoking of tobacco in any bar as defined in section 7-11-3 of this chapter.

(c) Until March 1, 1993, the smoking of tobacco in an interior area shall be limited to not more than fifty percent (50%) of contiguous floor space of the dining area which is specifically designated and signed as a smoking area. Restaurants shall post at their entrances a sign stating that nonsmoking seats are available. Likewise, recreational halls shall post signs alerting users of the availability of nonsmoking rooms. Smoking permitted areas in which smoking is permitted will be posted as such.

(d) During the period of March 1, 1993 to January 1, 1994, the smoking of tobacco in an interior area shall be limited to not more than twenty five percent (25%) of the contiguous floor space of the dining area which is specifically designated and signed as a smoking area. Signs as prescribed by section 7-11-8 of this chapter shall be used. Restaurants shall post at their entrances a sign stating that nonsmoking seats are available. Likewise, recreational halls shall post signs alerting users of the availability of nonsmoking rooms. Smoking permitted areas in which smoking is permitted will be posted as such.

4. On January 2, 1994, subsections (J)3(c) and (J)3(d) of this section shall automatically be repealed. (Ord. 1499, 12-8-1992)

(K) City Buildings: Smoking is prohibited in all city buildings.

(L) Places Of Exhibition: The prohibitions contained in subsection (A) of this section shall be applicable to libraries, museums, aquariums, galleries, convention halls and similar facilities where members of the general public assemble for the purpose of viewing the exhibition of art, artifacts, objects of historical or cultural significance, products, merchandise, equipment, appliances or services.

(M) Hospitals: The prohibitions contained in subsection (A) of this section shall be applicable to hospitals, rest and convalescent homes, medical clinics, physical therapy facilities and other places where medical, dental, psychiatric or counseling services are delivered to members of the general public. Operators of facilities treating psychiatric or chemically dependent patients may permit smoking by patients in designated areas, provided the medical director of such facility has determined in writing that the practice is beneficial for the recovery or treatment of such patients and that the practice will not interfere with the recovery and treatment of nonsmoking patients, and provided that adequate nonsmoking areas are made available for nonsmoking patients.

(N) Schools: The prohibitions contained in subsection (A) of this section shall be applicable to any school or educational institution operated by a commercial enterprise or nonprofit entity for the

purpose of providing academic classroom instruction, trade, craft, computer or other technical training, or instruction in dancing, artistic, musical or other cultural skills.

The prohibitions contained in subsection (A) of this section shall be applicable to public school facilities when school district management authorizes their use by members of the general public other than students.

(O) Daycare Facilities: The prohibitions contained in subsection (A) of this section shall be applicable to private residences during the time when such residences are operated as licensed daycare facilities for children. (Ord. 1485, 12-10-1991)

7-11-5: SMOKING PROHIBITIONS, WORKPLACE:

Smoking is prohibited in enclosed workplaces of commercial enterprises, nonprofit entities and all city owned and managed buildings, including, but not limited to, open office areas, shared offices, private offices, hallways, restrooms, escalators, elevators, stairways, lobbies, reception areas, and waiting rooms, classrooms, meeting or conference rooms, and auditoriums.

On site cafeterias, lunchrooms and lounges shall be deemed workplaces and smoking prohibited therein, whether or not such facilities are open to members of the general public. A completely separate room with a separate ventilation system may be used per employer discretion.

Each commercial enterprise, nonprofit entity and the county shall comply with these smoking prohibitions and be responsible for their implementation in the workplace, and "no smoking" signs shall be posted in the manner prescribed by section 7-11-8 of this chapter. (Ord. 1485, 12-10-1991)

7-11-6: PLACES WHERE SMOKING IS PERMISSIBLE:

Smoking may be permitted in all locations where smoking is not prohibited by this chapter, including the following locations:

(A) Bars, whether operated as separate business entity, or physically separated facilities within a restaurant, nightclub or other business.

(B) Private clubs during events attended exclusively by members of the organization and their invited guests and from which members of the general public are excluded.

(C) Within conference/meeting rooms, public and private assembly rooms, banquet rooms, dining rooms or areas of restaurants, hotels and motels, while these places are occupied for private functions to which only persons specifically invited are entitled to attend and from which members of the general public are excluded.

(D) In an enclosed place wherein this chapter specifically permits smoking, notwithstanding the fact that such location is a workplace.

It shall not constitute a violation of section 7-11-4 of this chapter for a person to smoke in a location where smoking has been authorized in the manner prescribed by this section.

The foregoing places are not considered workplaces subject to the provisions of section 7-11-5 of this chapter. Employers will, however, attempt to find a reasonable alternative accommodation where feasible for nonsmoking employees who do not wish to be assigned to work in a smoking permissible area. The foregoing exempt places do not include city owned or managed buildings. (Ord. 1485, 12-10-1991)

7-11-7: EXEMPTION PROCEDURES:

Any owner or manager of a business or other establishment subject to this chapter may apply to the director of the El Dorado County department of environmental management for an exemption or modification to its provisions. Exemptions may only be granted on: a) a showing by the petition of significant financial hardship due to compliance, or b) the proposed implementation of an alternative approach or technology which would provide equivalent protection from the health hazards of sidestream smoke.

An application for exemption will be accompanied by payment of a reasonable fee established by board of supervisors resolution which will cover the cost of preparation for the hearing, and the application will include any data required by the department. The department will review the application and submit it, with recommendations, for hearing by the environmental health director. The applicant will be entitled to present evidence at the hearing, which will be scheduled within thirty (30) days of the receipt of the application.

The department will, after taking into consideration the testimony received at the hearing, issue its findings and recommendations within ten (10) days of the completion of the hearing. The department will complete procedural action on the application and notify the city council and interested parties within ten (10) days of its receipt from the director of environmental health.

The applicant or other interested parties may appeal the department's decision to the city council within thirty (30) days of receipt of action notification by the department. Upon appeal, the city council will set a hearing within sixty (60) days, and make a final determination at that hearing. Any establishment holding a currently valid exemption shall not be required to pay additional administrative fees to maintain its exemption. (Ord. 1485, 12-10-1991)

7-11-8: POSTING REQUIREMENTS:

Each owner, operator, manager or other person having control of an establishment or facility within which smoking is regulated by this chapter shall conspicuously post in everyplace where smoking is prohibited "no smoking" signs, or the international "no smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, with letters not less than one inch (1") in height.

An owner, operator, or manager of a building wherein, pursuant to these regulations, smoking is not permitted in any space in the building may limit the "no smoking" posting to first floor entrances and exists and to the elevator lobby areas of all other floors.

Motion picture theaters shall show upon the movie or live action screens for at least five (5) seconds prior to the showing of each feature motion picture, the message that smoking is prohibited within the audience seating and other areas as specified. (Ord. 1485, 12-10-1991)

Restaurants shall post at their entrances a sign stating that nonsmoking seats are available until January 1, 1994. Thereafter, restaurants shall post no smoking signs or symbols as described above. Likewise, recreational halls shall post signs alerting users of the availability of nonsmoking rooms. Smoking permitted areas in which smoking is permitted will be posted as such. (Ord. 1485, 12-10-1992; amd. Ord. 1499, 12-8-1992)

Motels and hotels will prominently post in the lobby a sign notifying patrons of the availability of nonsmoking accommodations. The rooms so designated will be posted as nonsmoking rooms, and ashtrays removed. (Ord. 1485, 12-10-1991)

7-11-9: RETALIATION PROHIBITED:

It shall be unlawful for a commercial enterprise, nonprofit entity or city to retaliate against any members of the general public or an employee or applicant for employment of the enterprise, entity or city because such members of the general public, employee or applicant seeks enforcement of the provisions of this chapter. (Ord. 1485, 12-10-1991)

7-11-10: VIOLATION AND PENALTIES, SMOKING OR POSTING:

Any person who violates the prohibitions contained in section 7-11-4 of this chapter and any person who violates section 7-11-8 of this chapter by failing to post the signs or take the other actions required by this chapter shall be guilty of an infraction, punishable in the manner hereinafter prescribed: a) a fine not exceeding one hundred dollars ($100.00) for a first violation, b) a fine not exceeding two hundred dollars ($200.00) for a second violation of this chapter within one year, c) a fine not exceeding five hundred dollars ($500.00) for each additional violation of this chapter within one year. (Ord. 1485, 12-10-1991)

7-11-11: RETALIATION REMEDIES:

Violation of any of the provisions of section 7-11-9 or 7-11-10 of this chapter shall be remedial through civil action filed in a court of competent jurisdiction for injunctive or other appropriate relief. (Ord. 1485, 12-10-1991)

7-11-12: ENFORCEMENT:

It shall be the responsibility of the El Dorado County director of the environmental management department to enforce, on behalf of the city, the provisions of this chapter. The director shall be authorized to prosecute, in the name of the city, pursuant to the provisions of section 25132 of the Government Code, civil actions for recovery of fines for violations of this chapter made infractions by section 7-11-11 of this chapter or violations of sections 7-11-4 and 7-11-5 of this chapter.

In the performance of the enforcement responsibilities assigned by this chapter, the director of the county environmental management department shall:

(A) Affirmatively seek the support and cooperation of other local public agencies, such as fire protection districts, to provide information, assistance and advice in the enforcement of the provisions of this chapter.

(B) Establish a telephone number through which all complaints by citizens relating to violations of this chapter may be directed or referred.

(C) Reduce such complaints to writing, and analyze the frequency and volume thereof in relation to alleged violations of this chapter by or at particular establishments or facilities.

(D) Conduct an on site inspection of any establishment or facility with respect to which the nature and volume of complaints suggest long standing and pronounced violation of any of the provisions of this chapter.

(E) Provide to the owner, operator or manager of any such establishment or facility a copy of the provisions of this chapter and such advisory assistance to rectify future violations as may be necessary to achieve compliance with the provisions of this chapter.

(F) Follow up such investigation and advice with a written directive explaining in detail the steps required in order to achieve future compliance with the provisions of this chapter; and

(G) If the violations do not cease following the expiration of a reasonable period of time, commence civil actions for the recovery of infraction fines pursuant to the provisions of section 7-11-10 of this chapter or request commencement of a civil proceeding by the county counsel and/or city attorney, pursuant to the provisions of section 7-11-11 of this chapter, as may be appropriate.

The provisions of section 7-11-9 of this chapter shall not be remedial by either the director of environmental management, or any other county official or city official. Any member of the general public, an employee or applicant for employment may, pursuant to the provisions of section 7-11-11 of this chapter, commence in his or her name a civil action for injunctive relief, monetary damages or other appropriate relief against a person who violates section 7-11-9 of this chapter pursuant to the provisions of section 7-11-11 of this chapter. A member of the general public or employee shall also be authorized to individually commence a civil action pursuant to the provisions of section 7-11-11 of this chapter for injunctive relief, monetary damages or other appropriate relief for the purpose of remedying any other violation of the provisions of this chapter. (Ord. 1485, 12-10-1991)

Chapter 12
PROHIBITION ON SALE OF TOBACCO PRODUCTS FROM VENDING MACHINES

7-12-1: DEFINITIONS:

For the purposes of this chapter, the words and phrases used in this chapter shall have the following

meanings:

DIRECTOR: The El Dorado County director of the environmental management department.

TOBACCO PRODUCT: Any cigarette or tobacco product.

TOBACCO VENDING MACHINES: Any electronic or mechanical device used for the vending of any cigarette or tobacco product, upon the insertion of money, whether in coin or paper bill or other thing representative of value, which dispenses or vends a tobacco product. (Ord. 1501, 5-11-1993)

7-12-2: SALE OF TOBACCO PRODUCTS FROM VENDING MACHINES PROHIBITED:

(A) Except as provided herein, no person or business entity shall sell, dispense or give away any cigarette or tobacco product, cigarette paper or cigarette wrapper, through the use of a vending machine.

(B) Any tobacco vending machine in use on or after the effective date of this chapter shall be removed on or before January 2, 1994. A limited use extension may be granted, subject to subsection (C) of this section.

(C) Within thirty (30) days after the effective date of this chapter, any person, who purchased a tobacco vending machine for the purpose of selling or distributing tobacco products exclusively within the city and who has not or will not have recovered his, her or its investment therein by January 2, 1994, may apply to the director for a use extension based on financial hardship. A use extension shall be granted if the director makes the following findings:

1. That the tobacco vending machine owner has not or will not have recovered his, her or its investment therein before January 2, 1994.

2. That the tobacco vending machine owner has no other reasonable method to recover the investment in the tobacco vending machine other than its continued use within the city as a tobacco vending machine.

3. The tobacco vending machine owner shall bear the burden of proof on each issue. The director shall issue a written decision and notice within sixty (60) days after submittal of the application by the owner. The director shall state the last date of operation of the vending machine. A copy of the notice shall be posted on the tobacco vending machine in plain view by the owner.

4. The length of the use extension of the tobacco vending machine shall not exceed the time period estimated to allow recovery of the owner's investment, and in no case, will the use extension exceed a time period of one year.

(D) Any applicant aggrieved by the decision of the director pursuant to subsection (B) or (C) of this section may appeal the decision to the city council by filing a written notice of appeal with the city council within ten (10) days after the date of the director's written decision.

The notice of appeal shall contain a brief statement of the grounds for the appeal. The city council, or its authorized agent, shall review the application and the notice of appeal, and may, by written

decision, confirm or modify the determination of the director. The decision of the city council shall be final. (Ord. 1501, 5-11-1993)

7-12-3: VIOLATION AND PENALTIES:

Violations of this chapter are infractions and are subject to a fine not exceeding two hundred fifty dollars ($250.00) plus penalty assessments as set by California law, per day for each violation. (Ord. 1501, 5-11-1993)

7-12-4: ENFORCEMENT:

The director shall be authorized to commence civil actions, to enforce on behalf of the city, the provisions of this chapter or for recovery of fines in the name of the city. (Ord. 1501, 5-11-1993)

7-12-5: USE OF FINES:

The court assessing the fine set forth in section 7-12-3 of this chapter shall, to the extent allowed by law, designate said fines for the director to support the costs of inspection and enforcement of violations of this chapter. (Ord. 1501, 5-11-1993)

Chapter 13
ABATEMENT OF GRAFFITI

7-13-1: PURPOSE AND FINDINGS:

The purpose of this chapter is to provide a program and enforcement tools in addition to those already provided by state law for the removal of graffiti from property, buildings, structures, walls and places on both public and private property, and to prevent and control further spread of graffiti in the city. The city council finds and declares that graffiti on public or private buildings, structures and places, creates a condition of blight within the city that tends to reduce the value of property, promotes deterioration of surrounding property, invites vandalism, and results in the loss of pride in affected neighborhoods and loss of business to neighboring commercial enterprises, all to the detriment of the city. While state law imposes criminal penalties for the application of graffiti, state law does not provide adequate means for prompt abatement and removal of graffiti.

The city council further finds and declares that the proliferation of graffiti constitutes a public nuisance that presents an imminent danger to the public safety and welfare. Law enforcement officials and other experts agree that immediate removal of gang related graffiti is necessary to reduce the risk of violent and other criminal activities associated with gangs and gang territories. The failure to immediately abate graffiti encourages the proliferation of additional graffiti which results in neighborhood blight, additional criminal activity, and increased costs of abatement. Such a public nuisance therefore constitutes an immediate threat to public health and safety that must be abated.

The city council intends, through the adoption of this chapter, to give notice to all who disregard property rights of others, that the city will strictly enforce all laws prohibiting graffiti, including, but not limited to, California Penal Code sections 594, 594.1 and 640.5, California Vehicle Code section 13202.6, and all provisions of this chapter. The city council further intends by adoption of this chapter to implement a graffiti eradication program to assist Placerville residents and businesses with the eradication of graffiti from public and private property. (Ord. 1561, 8-24-1999)

7-13-2: DEFINED:

For the purposes of this chapter, "graffiti" shall mean any inscription, work, figure, picture, mark, design or other graphic representation prohibited by law or unauthorized by the owner or person in possession of the subject property, which is marked, etched, drawn, painted, pasted, or otherwise applied on any public or private real property, and which can be seen by any person using any public right of way. (Ord. 1561, 8-24-1999)

7-13-3: DECLARATION OF PUBLIC NUISANCE:

The city council finds and declares that the existence of graffiti on any public or private property within the incorporated area of the city constitutes a public nuisance that presents an imminent danger to the public safety and welfare, and that graffiti may be abated according to the provisions and procedures set forth in this chapter. (Ord. 1561, 8-24-1999)

7-13-4: GRAFFITI PROHIBITED:

(A) It is unlawful for any person to apply "graffiti", as defined in section 7-13-2 of this chapter, upon any real or personal property, whether publicly or privately owned, including any buildings, structures, fences, walls, signs, sidewalks, windows, streets, vehicles, trees, or other such places or things within the city.

(B) No person owning or otherwise in control of any real property within the city shall permit or allow any graffiti to remain on such property when the graffiti is visible from any public right of way or other public or private property. (Ord. 1561, 8-24-1999)

7-13-5: ENFORCEMENT:

The chief of police and/or his/her designee shall enforce the provisions of this chapter. (Ord. 1561, 8-24-1999)

7-13-6: RIGHT OF ENTRY:

The chief of police and his/her designee, in accordance with the provisions of this chapter, may enter upon private property within the city for the purposes of administering and enforcing this chapter, to inspect graffiti on any property within the city, and to remove, or cause to be removed, graffiti on any property within the city. (Ord. 1561, 8-24-1999)

7-13-7: NOTICE:

Whenever the chief of police or his/her designee determines that graffiti exists on any real property in the city, which is visible from a public right of way or other public or private property, the chief of police or his/her designee shall cause a notice to be issued to abate such nuisance. The property owner shall have ten (10) days after the date of the notice to remove the graffiti, or the property will be subject to abatement by the city. (Ord. 1561, 8-24-1999)

7-13-8: SERVICE OF NOTICE:

The notice to abate graffiti pursuant to section 7-13-7 of this chapter shall be served upon the owner of affected real property, as such owner's name and address appears on the last equalized property tax assessment rolls of the county of El Dorado. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this chapter may be served in any one of the following manners:

(A) By personal service on the owner, occupant or person in charge or control of the property; or

(B) By registered or certified mail, addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

(C) In addition to the above manners of service, a copy of the notice shall be posted on the real property.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

DATE:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as , Placerville, California, which is visible to public view, within ten (10) days after the date of this Notice, or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the real property until paid.

You may also consent to the City removing the graffiti by executing the enclosed Consent to Enter Release of Liability form and returning it to the City within ten (10) days of the date of this letter.

In the event you desire to contest the City's determination that a nuisance exists on your real property with respect to said graffiti, you may request a hearing in front of the City Manager, at which time you will be given an opportunity to be heard regarding the proposed abatement. Request for such a hearing must be made within ten (10) days of the date of this notice. Failure to request such a hearing waives your right to contest the City's determination that a nuisance exists with respect to your property, and, unless said nuisance is abated by you, will result in the City entering upon your property to abate said nuisance.

(Ord. 1561, 8-24-1999)

7-13-9: HEARING PRIOR TO ABATEMENT; NOTICE OF HEARING:

In the event a hearing before the city manager is requested pursuant to section 7-13-8 of this chapter, the city manager shall schedule such hearing and provide notice thereof to the requesting party, not less than ten (10) days prior to the hearing date. Said notice shall be served in accordance with the provisions of section 7-13-8 of this chapter. The failure of any person to receive the notice shall not affect the validity of any proceedings under this chapter. (Ord. 1561, 8-24-1999)

7-13-10: HEARING BEFORE CITY MANAGER:

The hearing to determine whether a nuisance exists shall be conducted by the city manager. At the hearing, the city manager shall receive and consider all relevant evidence. Any interested person shall be given a reasonable opportunity to be heard in conjunction therewith. Based on the evidence presented, the city manager shall determine whether a nuisance exists within the meaning of this chapter. (Ord. 1561, 8-24-1999)

7-13-11: ORDER OF ABATEMENT:

Within five (5) days after the hearing, the city manager shall give written notice of the decision to the owner and any other person requesting the same. Said notice shall be served in accordance with the provisions of section 7-13-8 of this chapter. If a nuisance is determined to exist, the notice shall contain an order of abatement directed to the owner of the affected property, or the person in control and/or charge of the property, and shall set forth the nature of the graffiti, its location on the premises, and the time and manner for its abatement. The city manager may impose such conditions as are reasonably necessary to abate the graffiti. The decision of the city manager may be appealed to the city council by filing a written request for appeal with the city clerk within ten (10) days after the city manager's notice of decision to the owner. (Ord. 1561, 8-24-1999)

7-13-12: ABATEMENT:

If the city manager's decision is not appealed and the nuisance is not abated within the time set by the notice of intent to remove graffiti, the chief of police or his/her designee is authorized to enter upon the premises and abate the graffiti nuisance through the utilization of labor, equipment and materials as directed by the chief of police. The graffiti shall be removed as authorized herein, but the removal shall not involve the painting or repair of a more extensive area than is necessary for such removal. The chief of police shall then prepare a statement of the fact of such abatement, and the expense incurred in abatement, and shall file the statement with the city clerk. Such statement shall identify the premises, state the costs of the action taken, and shall be done in accordance with section 7-13-15 of this chapter. If the premises includes more than one parcel of real property, each separate parcel, or all of the parcels, may be set forth in the same statement. (Ord. 1561, 8-24-1999)

7-13-13: REMOVAL:

(A) The Property Owner's Consent To Remove: Whenever the chief of police, or his/her designee, determines that graffiti is located on public or private property so that graffiti may be viewed by a person using any public right of way or other public property, the chief of police or his/her designee is authorized to provide for and use public funds, if necessary, to remove graffiti upon the following conditions:

1. Public Property: Whenever the chief of police or his/her designee determines that graffiti exists upon property owned by the city, it shall be removed by the city public works department, or through the utilization of other city resources, as soon as possible, or within five (5) days. When the property is owned by a public entity other than the city, the removal of graffiti is authorized after securing written consent of the public agency having jurisdiction over the property.

2. Private Property: Where the subject property is privately owned, the removal of graffiti is authorized after the chief of police or his/her designee secures the written consent of the owner of the property, and the owner executes a release and waiver approved as to form by the city attorney.

3. Painting Or Repair: The graffiti shall be removed as authorized herein, but the removal shall not involve the painting or repair of a more extensive area than is necessary for such removal.

(B) Removal By City Without Consent Of The Property Owner: When the property owner has failed to either remove the graffiti or consent to its removal by the city within the time period specified in the notice set forth under section 7-13-7 of this chapter, the chief of police or his/her designee may remove such graffiti and abate the nuisance according to the provisions of sections 7-13-7 through 7-13-12, inclusive, of this chapter. (Ord. 1561, 8-24-1999)

7-13-14: SUMMARY ABATEMENT; IMMINENT DANGER TO PUBLIC SAFETY:

The chief of police or his/her designee may summarily abate graffiti at the expense of the city when it appears the continued presence of such graffiti presents an imminent danger to the public safety and welfare. If the chief of police or his/her designee intends to take such action as allowed by this section, the chief of police or his/her designee shall notify the property owner and/or possessor of the property of his/her intent to enter the property and take such action, at least twenty four (24) hours prior to entering on the property. If the property owner and/or person possessing the property has not objected within said twenty four (24) hour period, such person(s) will be deemed to have consented to summary abatement by the city. If the chief of police or his/her designee is notified either in writing or verbally that the property owner and/or person in possession of the property objects to the summary abatement of graffiti on his or her property, the chief of police or his/her designee shall terminate his/her efforts to summarily abate such graffiti, and comply with the hearing procedure set forth in section 7-13-9 of this chapter. Any such hearing will receive priority, and shall be set as soon as practicable. (Ord. 1561, 8-24-1999)

7-13-15: RECORD OF COSTS:

The chief of police or his/her designee shall keep an account of costs (including incidental expenses) of abating such nuisance on each separate parcel of land where the work is done, and shall render an itemized report in writing to the responsible party, and as appropriate, the owner of the property. Incidental expenses shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, the costs of printing, and mailing required hereunder. (Ord. 1561, 8-24-1999)

7-13-16: COST HEARING:

The responsible party or owner may request a cost hearing. The cost hearing shall be in front of the city council, at which time the responsible party or owner or any interested party may contest the appropriateness of the costs of abatement, as well as present evidence of financial or physical hardship with respect to the abatement of the nuisance and/or the paying of the costs of abatement. Notice of the cost hearing shall be provided to the requesting party at least ten (10) days before the date of said hearing and shall be served in accordance with section 7-13-8 of this chapter. At the time and place fixed for receiving and considering the record of costs, the city council may make such revision, correction or modification in the report as it deems just. The decision of the city council on all protests and objections which may be made shall be final and conclusive. (Ord. 1561, 8-24-1999)

7-13-17: LIEN:

As to such property where the responsible party is the owner, if all or any portion of the costs of abatement remain unpaid after thirty (30) days, pursuant to the authority created by law, including Government Code section 38773 et seq., such portion shall constitute and is hereby declared to constitute a lien on the property which was the subject matter of the abatement effort. Resolution of lien shall be presented to the city council, and upon passage and adoption thereof, shall cause a certified copy of the lien to be recorded with the recorder's office of El Dorado County.

A graffiti nuisance abatement lien shall be recorded in the office of the county recorder in El Dorado County. From the date of recording, the lien shall have the force, effect and priority of a judgment lien.

A graffiti nuisance abatement lien or a special assessment authorized by this chapter shall specify the amount of the lien or special assessment; the name of the agency on whose behalf the lien or special assessment is imposed; the date of the abatement order; the street address; legal description and assessor's parcel number of the parcel on which the lien or special assessment is imposed; and the name and address of the recorded owner of the parcel. (Ord. 1561, 8-24-1999)

7-13-18: NUISANCE ABATEMENT COSTS AND LIENS; MINORS AND PERSONS CREATING GRAFFITI:

Procedure to correct abatement and related administrative costs from persons creating, causing, committing or maintaining any nuisance created by graffiti or other inscribed material.

In addition, parents or legal guardians are jointly liable with the minor for costs associated with the abatement of graffiti due to the misconduct of their children.

(A) Graffiti abatement costs shall include, but not be limited to, court costs, attorney fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, the law enforcement costs incurred by the city in identifying and apprehending the minor or persons creating the graffiti.

(B) The expense of abatement of any nuisance resulting from graffiti or other inscribed material on the property of another by a minor may result in a lien against the property and a personal obligation of the parent or guardian of the minor.

(C) Notice to the minor and notice to the parent or guardian of the minor shall be made prior to the collection of abatement and related costs and prior to the recordation of a lien on a parcel of land owned by the parent or guardian, pursuant to the requirements of law as set forth in section 7-13-15 of this chapter. (Ord. 1561, 8-24-1999)

7-13-19: NUISANCE ABATEMENT LIEN; PROPERTY OWNER:

Procedure to collect abatement and related administrative costs from property owner on whose property the graffiti is located.

(A) Nuisance abatement costs shall include, but not be limited to, the costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and any administrative costs incurred regarding the processing of a lien.

(B) Notice is required prior to the recordation of the lien to the owner of record of the land where the graffiti is located, based on the last equalized assessment roll, or the supplemental roll, whichever is more current.

(C) Notice to the property owner shall be made prior to the collection of abatement and related costs and prior to the recordation of the lien on a parcel of land pursuant to the requirements of law as set forth in section 7-13-15 of this chapter. (Ord. 1561, 8-24-1999)

7-13-20: ABATEMENT OF NUISANCE AS SPECIAL ASSESSMENT:

As an alternative to the lien procedures outlined in this chapter, the city also establishes the following procedure for collection of nuisance abatements costs as a special assessment against a parcel of property owned by the property owner on whose property the graffiti is located, and against a parcel of property owned by a person creating graffiti, or owner by a parent or guardian of a minor who is responsible for creating graffiti:

(A) Notice to the property owner shall be by certified mail if the property owner's identity can be determined from the records of the county assessor or county recorder. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three (3) years by the tax collector for unpaid delinquent assessments. All laws applicable to the levy, collection and enforcement of taxes shall be applicable to the special assessment, subject to any restrictions set forth in the special assessment law related to graffiti and other inscribed material nuisance abatement law.

(B) Notice of special assessment against the property shall be recorded in El Dorado County. (Ord. 1561, 8-24-1999)

7-13-21: VIOLATION; PENALTY:

The owner, occupant or agent of any parcel of real property within the city who shall permit or allow the

existence of a public nuisance as defined in this chapter, upon any parcel of real property owned, occupied or controlled by him or her, or who shall violate any provisions of this chapter, shall be guilty of an infraction, and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars ($100.00) for a first violation, a fine not exceeding two hundred dollars ($200.00) for a second violation of the same provision within one year, and a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same provision within one year. (Ord. 1561, 8-24-1999)

7-13-22: LIMITATION OF FILING JUDICIAL ACTION:

Any owner, lessee, occupant, or other interested person having any objections or contesting any proceeding taken on appeal by the city council in ordering the abatement of any public nuisance under the provisions of this chapter, must bring an action to contest such decision within thirty (30) days after the date of such decision of the city council. Otherwise, all objections to such decision shall be deemed waived. (Ord. 1561, 8-24-1999)

7-13-23: CUMULATIVE REMEDIES:

The procedures set forth in this chapter are not exclusive and nothing contained herein shall be deemed to preclude the pursuit of any available remedy, whether it is civil or criminal. (Ord. 1561, 8-24-1999)

7-13-24: SEVERABILITY:

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted each provision or portion thereof, irrespective of the fact that portions of this chapter may be declared invalid or unconstitutional. (Ord. 1561, 8-24-1999)

Chapter 14
WATER SYSTEM BACKFLOW AND CROSS CONNECTION CONTROL

7-14-1: PURPOSE:

In order to protect the public water system, the city is implementing a cross connection control and prevention of backflow program (program).

The objectives of the program are to:

(A) Protect the public water system at the service connection against any actual or potential cross connection between the public water system and any source or system containing any substance that is not, or cannot be, approved as safe, wholesome and potable for human consumption;

(B) Promote the elimination or control of existing cross connections, actual or potential, between a customer's potable water system and that customer's nonpotable water system, plumbing fixtures and/or industrial piping systems;

(C) Outline city and customer responsibilities for protection of the public water system;

(D) Outline criteria determining when backflow protection is required;

(E) Specify requirements for backflow prevention assemblies to protect the water system;

(F) Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems; and

(G) Comply with federal, state, and local laws and policies and to allow the city to meet applicable regulatory requirements and standards. (Ord. 1661, 2-25-2014)

7-14-2: AUTHORITY:

These regulations are adopted pursuant to the state of California Administrative Code, title 17, section 7583 et seq. (Ord. 1661, 2-25-2014)

7-14-3: DEFINITIONS:

When used in this chapter, the following words shall have the meanings herein ascribed to them:

AWWA STANDARD: An official standard developed and approved by the American Water Works Association (AWWA).

AIR GAP SEPARATION: A physical vertical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressurized receiving vessel. The air gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch (1").

APPROVED BACKFLOW PREVENTION ASSEMBLY OR ABPA: Any assembly that is currently included on the El Dorado irrigation district approved backflow prevention assemblies list and that has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California department of public health.

BACKFLOW: A flow condition, caused by a differential in pressure that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source.

CITY: The city of Placerville.

CITY BACKFLOW PREVENTION ASSEMBLY TESTER: A backflow prevention assembly general tester with current AWWA certification or city approved organization with equivalent certification requirements.

CONTAMINANT: A degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

CROSS CONNECTION: Any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross connections.

CROSS CONNECTION CONTROL SPECIALIST: A cross connection control program specialist with current AWWA certification or city approved organization with equivalent certification requirements.

CUSTOMER: The person(s) or entity whose water service is served from the public water system and in whose name the utility water account is registered.

DEACTIVATED WELL: Any well in which all pumping components, including, but not limited to, pump, piping, and power supply (if equipped) shall be removed from the well casing. Additionally, the top of the well or well casing shall be provided with a cover that is secured by a lock or by other means to prevent its removal without the use of equipment or tools.

DIRECTOR: The community services director of the city of Placerville.

DOUBLE CHECK VALVE ASSEMBLY (DC): An assembly composed of two (2) single, independently acting check valves, two (2) tightly closing shutoff valves located at each end of the assembly, and four (4) test cocks for the testing of the check valves.

MANUAL OF CROSS CONNECTION CONTROL: The most current edition of the "Manual Of Cross Connection Control" as published by the University Of Southern California's Foundation For Cross Connection Control And Hydraulic Research.

POINT OF SERVICE CONNECTION: The point of connection of a customer's piping to the water supplier's facilities.

POLLUTION: An impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

PREMISES: Any and all areas on a customer's property which are served or have the potential to be served by the public water system.

RECYCLED WATER: Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY (RP): A backflow preventer incorporating not less than two (2) check valves, an automatically operated differential relief valve located between the two (2) check valves, a tightly closing shut off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

REDUCED PRESSURE PRINCIPLE DETECTOR ASSEMBLY (RPDA): A specially designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a

bypass containing a specific water meter and an approved reduced pressure principle assembly. This assembly shall be used to protect against a nonhealth hazard (i.e., pollutant) or a health hazard (i.e., contaminant). The RPDA is primarily used on fire sprinkler systems.

UNAPPROVED AUXILIARY WATER SUPPLY: Any water supply on or available to the premises other than the approved water supply. An unapproved auxiliary water supply includes, but is not limited to, a well, spring, pond, storage tank or any other water source that is piped or captured in any fashion that would facilitate its use as an unapproved auxiliary water supply on the premises. An unapproved auxiliary water supply does not include a decorative or natural water feature that serves solely for aesthetic and/or recreational purposes and lacks piping and/or equipment that would facilitate its use as an unapproved auxiliary water supply on the premises. (Ord. 1661, 2-25-2014)

7-14-4: RESPONSIBILITIES:

Responsibilities for protection of the public water system are shared by the city and the customer.

(A) City Responsibilities: The city, and its duly authorized employees, shall operate the public water system and implement a cross connection control program. The purpose of this chapter is to: 1) protect the city water system against actual or potential cross connections by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross connection on the premises; 2) eliminate existing connections between potable water systems and nonpotable systems that create a hazard to public health; 3) eliminate existing cross connections between potable water systems and sources of contamination; and 4) prevent the making of cross connections in the future. Except as otherwise provided, city staff shall administer, implement, and enforce the provisions of this program. Any powers granted to or duties imposed upon the director may be delegated to a duly authorized employee or the director's designated agent.

(B) Customer Responsibilities: All customers of the city are subject to the conditions of this program, as set forth herein, as well as California code of regulations (CCR) title 17, section 7584, which requires the city to comply with public law 99-339 - 1986 amendments of the safe drinking water act of 1974, as they are now constituted, or as they may hereafter be amended or recodified. The customer will have the prime responsibility of preventing contaminants and/or pollutants from their water systems entering the public water system. (Ord. 1661, 2-25-2014)

7-14-5: CROSS CONNECTION CONTROL PROGRAM:

(A) Compliance Enforcement: If it is determined that a backflow prevention assembly is required, the installation of such an assembly shall be a condition of continued water service. The customer shall be notified in writing and given no more than sixty (60) calendar days from the date of the initial notice to comply. If a customer fails to comply, then the city shall proceed with enforcement up to and including termination of water service to the premises being served. In the event the city determines a customer's water system poses an immediate health risk to the public water supply, the city reserves the right to immediately terminate water service without prior notification and must do so to comply with title 17 of the CCR.

(B) Cross Connection Control Surveys: A cross connection control survey (survey) shall be performed by city or contractor staff certified as an AWWA cross connection control program specialist (specialist). The city shall conduct surveys of existing unprotected premises and premises

suspected to have existing inadequate backflow protection. If an actual or potential hazard is determined to exist, a backflow prevention assembly shall be installed by the customer in accordance with current city specifications upon notification. All expenses of the installation shall be the customer's responsibility. Existing premises not required to install backflow prevention assemblies as a result of a city survey shall be subject to subsequent regular city surveys for the purpose of confirming continued compliance pursuant to this program.

(C) Backflow Prevention Assembly Inspection, Testing And Repair: During installation and prior to covering trenches, the city shall visually inspect the connection and entire length of pipeline from the meter or service connection to the downstream side of the approved backflow prevention assembly (ABPA) before city acceptance. In accordance with and subject to the provisions of subsection 7-14-8(D) of this chapter, backflow prevention assemblies require initial testing by the customer and annual testing thereafter, the cost of which will be borne by the customer and which, subject to subsection 7-14-8(D) of this chapter, shall be performed by the city. City may elect, in its sole discretion, to assign any or all annual testing responsibilities to a duly authorized representative. The city will attempt to flush, clean, and retest an assembly that does not pass annual testing. If the assembly fails the test, then the customer will be notified of the requirement to repair or replace the assembly. The city's current fee for performance of initial inspection and annual testing shall be set by resolution of the city council and set forth in the city's master fee schedule.

Any repair or replacement of any assembly components, including, but not limited to, assembly housing, shut off valve, or relief valve housing shall be performed by the customer and subject to inspection by the city. Any replacement of irreparable assembly or installation of a new ABPA, including initial testing of repaired or replaced assembly, shall be performed by the customer and subject to inspection by the city. The city shall not be responsible for any loss or damage directly or indirectly resulting from or caused by any improper or negligent installation, operation, use, repair or maintenance of, or interference with, any backflow prevention assembly required by this program, by any customer or any other person. (Ord. 1661, 2-25-2014)

7-14-6: BACKFLOW PREVENTION ASSEMBLIES REQUIRED:

(A) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by this code, sections 7583 through 7605 of the California code of administrative regulations, and other applicable state laws and regulations. The city shall discontinue service of water to any premises in the following situations: 1) if a backflow prevention assembly required by this code is not installed; 2) if a backflow prevention assembly has been removed or bypassed; or 3) if an unprotected cross connection exists on the premises. Service will not be restored until such condition or defects are corrected.

(B) In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable to the director as an additional source, the property owner shall protect the public water system against backflow from the premises by installing an approved backflow prevention assembly in the service line.

(C) In the case of a premises having: 1) internal cross connections that cannot be permanently corrected or controlled; 2) intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes; or 3) a condition that in the opinion of the director constitutes a hazard to health, the property owner shall protect the public water

system against backflow from the premises by installing an approved backflow prevention assembly in the service line.

(D) The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the premises. The types of protective assembly that may be required (listed in an increasing level of protection) include:

1. Double check assembly (DC);

2. Reduced pressure principle backflow prevention assembly (RP); and

3. Air gap separation (AG).

The customer may choose a higher level of protection than required by the city. Situations shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the city. (Ord. 1661, 2-25-2014)

7-14-7: MINIMUM CROSS CONNECTION PROTECTION REQUIREMENTS:

(A) Minimum Protection Levels: Minimum protection levels shall be determined by the city. The following list of circumstances shall require backflow prevention and is not exclusive:

1. All new nonresidential connections;

2. Premises determined by the city to have unusually complex plumbing configurations that cannot be adequately evaluated;

3. Premises with limited access or that deny access to the city for internal inspections;

4. Existing nonresidential connections where city water facilities and connections are modified, upgraded or improved;

5. Each service connection that supplies water to premises on which any substance is or may be handled in such a manner as to permit entry into the public water system, including water originating from the public water system which is or may be subjected to deterioration in sanitary quality;

6. Parcels having more than one service connection;

7. Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be injected;

8. Premises where a cross connection exists, or the potential for one that could result in the pollution or contamination of the public water system;

9. Residential parcels used for business purposes determined by the city to pose a threat to the public water system;

10. Premises with any unapproved auxiliary water supply, whether or not it is interconnected with the public water system, except those premises with a deactivated well;

11. Premises with internal pressure boosting system; and

12. All sewage/wastewater treatment facilities and sewage lift stations.

(B) Fire District's System: Nothing in this program shall be construed as affecting the customer's responsibility for meeting the local fire district's fire flow system requirements. Nothing in a local fire district's fire flow system requirements shall be construed as affecting the customer's responsibility for meeting the requirements of this program.

(C) Existing Nonresidential Service Connections: Existing unprotected nonresidential connections are subject to city evaluation and on site cross connection control surveys. The city must be provided unimpeded access to perform internal inspections for the purpose of determining cross connection hazards. If city access is impeded for any reason, then the customer will be required to install a minimum of an RP to protect the public water system.

(D) New Nonresidential Fire Suppression System Connections: All new nonresidential fire suppression system connections shall be protected with a city approved RPDA installed according to city specifications.

(E) Existing Nonresidential Fire Suppression System Connections: Nonresidential fire suppression systems currently protected with a minimum of a single detector check valve will be allowed to continue in service until such system is modified, updated, improved, or hazard classification is determined to require an RPDA. If existing protection is determined inadequate or is modified, improved, or updated as identified under this program, the customer shall install an RPDA at the point of connection to city water system according to city specifications. (Ord. 1661, 2-25-2014)

7-14-8: BACKFLOW PREVENTION ASSEMBLY INSTALLATION, INSPECTION, TESTING AND REPAIR:

(A) The customer shall own and bear all cost for the installation, initial testing, repairs and retesting of all ABPAs required in accordance with this program. Upon notification by the city, the customer shall repair or replace existing assemblies determined to be unapproved, defective, damaged or not providing the level of protection specified by this program. All installations shall comply with the California plumbing code and the city's current design and construction standards. The customer shall contact the city to request necessary inspections prior to covering pipe and/or connections associated with the installation.

(B) The customer shall bear all costs that the customer determines are necessary in their sole discretion, for the installation of pumps or renovation of existing customer piping, as a result of any decreases in line pressure or flow attributed to upgrading or installing an ABPA.

(C) The customer shall provide the city and its agents with unimpeded access to backflow prevention assemblies for routine testing and repairs. The city recognizes the potential of freeze damage to ABPAs and associated aboveground piping. Commercially available insulated "soft" covers are authorized to be installed by the customer for the purpose of freeze protection if such cover provides access for required testing and maintenance. The customer shall not, without city's prior written authorization, install any enclosure or any other apparatus for the purposes of freeze protection or theft deterrent that impedes access to the assembly. Upon determination by city staff,

enclosures posing a safety hazard or impeding access shall be upgraded or removed by the customer to assure the safety of city staff and completion of testing.

(D) It shall be the duty of the city at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once a year. In those instances where the director or his designated agent deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer and shall be performed by city personnel or the city's designated agent. The cost of the inspection and testing shall be paid by the customer and shall be invoiced to the customer by the city. The cost shall be the amount set by resolution of the city council and set forth in the city's master fee schedule. Prior to testing, the city or its designated agent shall contact the customer as to the scheduled testing date. The customer may elect to have the inspection and testing performed by a qualified, certified tester, acceptable to the city, by so notifying the city in writing prior to the scheduled testing date. The customer shall be responsible for all costs associated with such annual testing and shall cause the city to be provided with the test report within ten (10) days after the scheduled testing date. If the customer has not submitted the test report by this date, the city will test the backflow prevention assembly and the customer will be charged as set forth hereinabove. In the event that the backflow prevention assembly fails to pass the test, the customer shall be notified and within thirty (30) days of the date of notification, either repair or replace and test the assembly as provided in this chapter or water service will be discontinued. (Ord. 1661, 2-25-2014)

7-14-9: TEMPORARY METER CONNECTION:

Temporary meter connections to city hydrants, blow offs, or other city infrastructure shall be protected with a minimum of an RP. The temporary meter and RP shall be installed by the city upon customer submittal of appropriate request form and accompanying deposit to the city. The location of the installed temporary meter connection shall be determined by the city in its sole discretion following review of request form. Customer shall access water at approved location through city installed gate valve located downstream of RP. Under no circumstances shall customer operate hydrant, blow off, or other city infrastructure. (Ord. 1661, 2-25-2014)

7-14-10: TEMPORARY CONSTRUCTION CONNECTIONS:

Temporary construction connections to city water mains used for the purpose of testing and flushing noncity water lines shall be protected with a minimum of an RP. They shall be installed in accordance with El Dorado irrigation district's current design and construction standards and shall be inspected and certified by the city utility services technician prior to use and annually thereafter until completion of project. Failure to contact city in a timely manner for annual certification may result in termination of connection to city water main. Each RP must also be retested by the city upon relocation. (Ord. 1661, 2-25-2014)

7-14-11: VIOLATION DECLARED A NUISANCE:

Any activity in violation of this chapter that will adversely and seriously affect the public health, safety and welfare, is hereby declared to be a public nuisance and may be remedied as provided in this chapter, any other applicable portion of this code or applicable state law. (Ord. 1661, 2-25-2014)

7-14-12: ENFORCEMENT:

(A) This chapter shall be enforced pursuant to the provisions of sections 1-4-1 to 1-4-10 of this code, inclusive, any other enforcement mechanism available to the city under this code and/or applicable law.

(B) Unless otherwise expressly provided in this chapter, the director shall enforce the provisions of this chapter. (Ord. 1661, 2-25-2014)

7-14-13: PENALTIES:

(A) Goal: The goal of the provisions of this chapter is to achieve voluntary compliance from the customer, and the city will take reasonable measures to assure the customer has information available to promptly and efficiently address cross connection issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required.

(B) Penalties:

1. A violation of this chapter shall also be an administrative violation as defined in title 1, chapter 4A of this code.

2. Based on the criteria for imposition of administrative sanctions set forth in title 1, chapter 4A of this code, each day a violation of this chapter continues shall be deemed a level A violation as that term is described in section 1-4A-3 of this code with an initial penalty of up to one hundred dollars ($100.00).

3. Violations of this chapter that are deemed to be wilful noncompliance may be subject to level B violation as determined by the director.

(C) Appeal: There shall be no appeal of the level of protection required in sections 7-14-6 and 7-14-7 of this chapter and any appeal of administrative penalties shall follow the request for hearing procedures provided for in title 1, chapter 4A of this code. Any order to discontinue water service or any other orders or decisions of the director shall be appealable to the city manager, provided, however, that the city manager's decision shall be final and there shall be no appeal to the city council. (Ord. 1661, 2-25-2014)

7-14-14: REMEDIES CUMULATIVE:

The remedies set forth in this chapter are cumulative to any other remedy available to the city. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this chapter shall limit or be deemed to prevent the city from pursuing any other remedy available to the city under this code or any other applicable law. (Ord. 1661, 2-25-2014)

7-14-15: SEVERABILITY:

If any provision of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of this chapter that can be given effect without the invalid provision or its application, and to this end the provisions of this chapter are severable. (Ord. 1661, 2-25-2014)

Chapter 15
STORMWATER QUALITY

7-15-1: TITLE:

This chapter shall be known as the *PLACERVILLE STORMWATER QUALITY ORDINANCE,* and may be so cited. (Ord. 1672, 9-22-2015)

7-15-2: PURPOSE AND INTENT:

(A) The purpose of this chapter is to ensure that the city of Placerville is compliant with state and federal laws and fulfills its requirements to: 1) protect the health, safety, and general welfare of the citizens of the city of Placerville; 2) enhance and protect the quality of waters of the state in the city of Placerville by reducing pollutants in stormwater discharges to the maximum extent practicable and controlling nonstormwater discharges to a stormwater facility; and 3) to cause the use of best management practices (section 7-15-4 of this chapter) by the city and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state.

(B) This chapter seeks to promote these purposes by: 1) prohibiting illicit discharges to a stormwater facility; 2) establishing authority to implement and enforce requirements for stormwater management, including source control requirements, to reduce pollution to the maximum extent practicable; 3) establishing authority to implement and enforce requirements for development projects to reduce stormwater pollution and erosion both during construction and after the project is complete; and 4) establishing authority that will enable the city to implement and enforce any stormwater management plan, low intensity development (LID) standards, development standards contained in the city's development guide, or standards and specifications contained in any other development guide or manuals as adopted by the city. (Ord. 1672, 9-22-2015)

7-15-3: APPLICABILITY:

This chapter applies to all incorporated areas within the city of Placerville. (Ord. 1672, 9-22-2015)

7-15-4: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have meaning respectively ascribed to them in this section, unless the context of a particular provision clearly requires a different definition:

BEST MANAGEMENT PRACTICES (BMPs): Methods that have been determined to be the most

effective, practical means of preventing or reducing pollution from nonpoint sources, such as pollutants carried by stormwater runoff. "BMP" is a broad term that refers to many of the actions that are required under or could be completed as part of the national pollution discharge elimination system (NPDES) permit, including behavioral BMPs such as education (e.g., placing inlet stencils and regularly educating municipal staff and others about measures to reduce pollution in stormwater) or discharging wash water to the sanitary sewer instead of the storm drain, structural BMPs such as source controls (e.g., double containment for hazardous materials) and treatment controls (e.g., vegetated swales and detention basins) to treat runoff before it is discharged to the storm drain or local waterway, and other practices that prevent or reduce pollutants from reaching the storm drain or other waters.

CITY: The incorporated area of the city of Placerville.

CLEAN WATER ACT (CWA): The primary federal law in the United States governing water pollution. Formerly referred to as the federal water pollution control act or federal water pollution control act amendments of 1972, is public law 92-500, as amended by public law 95-217, public law 95-576, public law 96-483 and public law 77-117, 33 USC 1251 et seq.

CONSENT: To permit, approve, or agree; comply or yield.

DEVELOPMENT: Any activity that moves soils or substantially alters the preexisting vegetated or manmade cover of any and all land. Development includes any activity that may be considered new development or redevelopment. This also includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil, placement of fill materials, paving, pavement removal, exterior construction, substantial removal of vegetation where soils are disturbed including, but not limited to, removal by clearing or grubbing, or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Development does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.

DISCHARGE: The release or placement of any material into stormwater facilities within the city's jurisdiction, including, but not limited to, stormwater, wastewater, solid materials, liquids, hazardous waste, raw materials, debris, litter, or any other substance.

ENFORCEMENT AGENCY: The city of Placerville development services department is the primary enforcement agency for the purposes of this chapter.

ENFORCEMENT OFFICIAL: Any city employee or agent of the city with the authority to enforce any provision of this chapter and the authority to make any decision on behalf of the director required or called for by this chapter.

ILLICIT CONNECTION: Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4.

ILLICIT DISCHARGE: Illicit discharges include all nonstormwater discharges not otherwise authorized by this chapter, including discharges from organized car washes, mobile cleaning, and pressure wash operations.

INCIDENTAL RUNOFF: Unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

INDUSTRIAL ACTIVITY: Activities subject to NPDES permits as defined in 40 code of federal

regulations 122.26(b)(14).

MAXIMUM EXTENT PRACTICABLE (MEP): The minimum required performance standard for implementation of municipal stormwater management programs to reduce pollutants in stormwater. Clean water act section 402(p)(3)(B)(iii) requires that municipal permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the administrator or the state determines appropriate for the control of such pollutants". MEP is the cumulative effect of implementing, evaluating, and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the most effective manner. This process of implementing, evaluating, revising, or adding new BMPs is commonly referred to as the iterative process.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, municipal stormwater facilities, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by a state, county, city, town, or other public body, that is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not a part of a publicly owned treatment works.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The primary permitting program under the clean water act (33 USC section 1251 et seq.) which regulates most discharges to surface waters.

NONSTORMWATER DISCHARGE: Any discharge to municipal stormwater collection systems that is not composed entirely of stormwater except discharges pursuant to an NPDES permit and discharges resulting from firefighting activities.

POLLUTANT: Anything which causes or contributes to pollution, as defined herein. Pollutants include, but are not limited to: sediment, chlorine, paints, varnishes, solvents, fuel, oil, grease, automotive fluids, yard wastes, refuse, rubbish, garbage, litter, food related wastes, discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, detergents, soaps, hazardous substances, hazardous waste, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure or from grading (including, but not limited to, sediments, slurries, and concrete residue), and noxious or offensive matter of any kind.

POLLUTION: "The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water" (CWA section 502(19)). Pollution also means, "alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either the waters for beneficial uses of facilities which serve these beneficial uses" (California Water Code section 13050(L)(1)).

PORTER-COLOGNE ACT: The Porter-Cologne water quality control act, as amended (California Water Code section 13000 et seq.).

PROPERTY OWNER: Any person, entity, company, and/or authorized representative having title to real property within the geographic area affected by this chapter.

REGIONAL WATER QUALITY CONTROL BOARD: The California regional water quality control board valley region.

STORMWATER: Stormwater runoff, snowmelt runoff, and surface runoff and drainage (40 code of federal regulations 122.26(b)(13)). As stormwater flows over the land or impervious surfaces, it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the stormwater is discharged untreated.

STORMWATER FACILITY: Structures that are designed to capture, convey and treat stormwater runoff while removing pollutants and controlling flow rates. These facilities include pipes, ditches, swales, filters, ponds, basins, underground vaults, and drop inlets. Facilities require maintenance in order to remain functional.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): The construction site water quality management plan required by the state's construction general stormwater permit.

SURFACE WATER: Includes, but is not limited to, perennial and ephemeral streams, lakes, wetlands, springs, and similar waters which flow or reside in natural or artificial impoundments or drainageways.

WATERS OF THE STATE: All surface watercourses and water bodies, including lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface waters (Porter-Cologne section 13050(e)), and which are within the incorporated areas of the city of Placerville. This definition includes, but is broader than, waters of the United States.

WATERS OF THE UNITED STATES: Surface watercourses and water bodies as defined by 40 code of federal regulations section 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Any term(s) defined in the federal clean water act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the environmental protection agency, as amended, and which are not specifically defined above, shall, when used in this chapter, have the same meaning as set forth in said act or regulation. (Ord. 1672, 9-22-2015)

7-15-5: RESPONSIBILITY FOR ADMINISTRATION:

The city of Placerville shall administer the provisions of this chapter with all participating departments with responsibility for implementation and enforcement of the stormwater management plan. (Ord. 1672, 9-22-2015)

7-15-6: CONFLICTS WITH OTHER LAWS:

In the event of any conflict between this chapter and any federal or state law or regulation or city ordinance, that requirement which establishes the higher standard for public health shall govern. To the extent permitted by law, nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order, permit, or city ordinance. (Ord. 1672, 9-22-2015)

7-15-7: DISCHARGE PROHIBITIONS:

Except as provided in section 7-15-8 of this chapter, it is unlawful for any person to make or cause to be made any illicit connection to or illicit discharge into a stormwater facility.

Notwithstanding the exemptions provided by section 7-15-8 of this chapter, if the enforcement agency determines any otherwise exempt discharge causes or significantly contributes to violations of any water quality standard, or conveys significant quantities of pollutants to stormwater facilities, surface water(s) or watercourse(s), or is a danger to public health or safety, then the enforcement agency may

give written notice to the property owner or occupant that the otherwise applicable exemption will not apply to the subject discharge following expiration as noted by the applicable notice. Any such discharge shall thereafter be prohibited from entering the stormwater facility or surface water. (Ord. 1672, 9-22-2015)

7-15-8: EXEMPTIONS TO PROHIBITED DISCHARGES:

Discharges from the following activities shall not be prohibited unless the enforcement agency determines that the discharge causes or significantly contributes to violations of any plan standard, or conveys significant quantities of pollutants to surface water or watercourses, or is a danger to public health or safety. The enforcement agency may give written notice to the property owner or occupant that the otherwise applicable exemption will not apply.

(A) Water line flushing and discharges from potable water sources.

(B) Incidental runoff from landscape irrigation and lawn watering. (See section 7-15-15 of this chapter for minimum runoff control requirements.)

(C) Diverted stream flows and irrigation water.

(D) Springs, rising groundwater, and flows from riparian habitat and wetlands.

(E) Uncontaminated groundwater infiltration (as defined at 40 code of federal regulation section 35.2005(b)(20)) to separate stormwater sewers.

(F) Uncontaminated pumped groundwater, foundation drains, footing drains, fountain drains and water from crawl space pumps.

(G) Air conditioning condensation.

(H) Individual residential car washing.

(I) Dechlorinated, pollution free swimming pool and spa water discharges.

(J) Firefighting flows. (Ord. 1672, 9-22-2015)

7-15-9: DISCHARGE IN VIOLATION OF EXISTING NPDES PERMIT:

Any person subject to any individual and/or industrial NPDES stormwater discharge permit shall comply with all provisions of such permit, SWPPP, and any regulations or ordinances promulgated thereto. Proof of compliance with said permit may be required in a form acceptable to the enforcement agency: a) prior to or as a condition of a subdivision map, site plan, building permit, or development,

redevelopment, or improvement plan; b) upon inspection of the facility; c) during any enforcement proceeding or action; or d) for any other reasonable cause at any other time. (Ord. 1672, 9-22-2015)

7-15-10: DISCHARGE IN VIOLATION OF CITY'S NPDES PERMIT; INDEMNIFICATION:

Any discharge that would result in or contribute to a violation of the city's NPDES permit issued by the regional water quality control board and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the city and its officers, agents, employees, representatives, and volunteers from any and all claims in any administrative or judicial enforcement action relating to such discharge. (Ord. 1672, 9-22-2015)

7-15-11: ACTS POTENTIALLY RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT AND/OR PORTER-COLOGNE ACT:

The standards set forth herein and promulgated pursuant to this chapter are minimum standards. This chapter does not intend or imply that compliance with these minimum standards will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into the waters of the state. This chapter shall not create liability on the part of the city, and its officers, agents, employees, representatives, and volunteers for any damage that results from any discharger's reliance upon this chapter or any administrative decision made hereunder. (Ord. 1672, 9-22-2015)

7-15-12: RIGHT OF ENTRY; INSPECTIONS:

(A) Entry Authorized; Inspection: The enforcement official is authorized to enter any building or premises upon consent through existing permit or written/verbal consent in accordance with the provisions of this section for the purpose of making an inspection to enforce the provisions of this chapter and to assure the proper implementation of BMPs. Inspections/investigations shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of the chapter, including, but not limited to: visual evidence, complaints received, knowledge or physical evidence of industrial activities or other pollutant sources, random sampling, sampling in areas with evidence of stormwater contamination, illicit connections, illicit discharge, or similar factors.

(B) Right To Inspect: Unless inspections are authorized pursuant to an existing permit issued to the property owner or occupant, prior to commencing any inspection as hereinabove authorized, the enforcement official shall obtain either the consent of the property owner or occupant or shall obtain an administrative inspection warrant or criminal search warrant.

(C) Compliance Assessments: The enforcement official may inspect property for the purpose of verifying compliance with this chapter, including, but not limited to: 1) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property, 2) identifying point(s) of discharge of all wastewater, process water systems and pollutants, 3) investigating the natural slope, including drainage patterns and manmade conveyance systems, 4) establishing the location of all points of discharge from the property, whether by surface runoff,

snowmelt, or through a stormwater facility, 5) locating any illicit connection or the source of any illicit discharge, and 6) evaluating compliance with any stormwater discharge permit.

(D) Portable Equipment: For purposes of verifying compliance with this chapter, the enforcement official may inspect any vehicle, truck, trailer, tank truck or other mobile equipment that may pose a threat to surface waters, stormwater facilities or the MS4.

(E) Records Review: The enforcement official may inspect all records of the property owner or occupant of property relating to state general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, illicit discharges, or any other source of contribution or potential contribution of pollutants to a stormwater facility.

(F) Sample And Test: The enforcement official may inspect, sample and test any runoff, soils area, process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to a stormwater facility. The enforcement official may investigate the integrity of all stormwater facilities or other pipelines on the property using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The enforcement official may take photographs or video tape, make surveys, measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

(G) Monitoring: The enforcement official may erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to a stormwater facility.

(H) Test Results: The property owner or occupant of property subject to inspection shall, on submission of a written request to the enforcement official, receive copies of all monitoring and test results conducted during the investigation. (Ord. 1672, 9-22-2015)

7-15-13: CONCEALMENT AND ABETTING:

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation. (Ord. 1672, 9-22-2015)

7-15-14: REDUCTION OF POLLUTANTS IN STORMWATER; BEST MANAGEMENT PRACTICES:

(A) General Requirements: Any person engaging in activities that may result in pollutants entering a stormwater facility shall implement best management practices to the maximum extent practicable (MEP), or as determined by the enforcement agency, to prevent such pollutants.

(B) Maintenance: All BMPs shall be protected and maintained to ensure continuous and fully effective performance as designed.

(C) Illicit Connection: It is unlawful and a violation of this chapter for any person to establish, use, or maintain any unauthorized connection to a stormwater facility or MS4.

(D) Waste Disposal: No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of a stormwater facility or waters of the state, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution, as further proscribed by chapter 2 of this title.

(E) Construction Activities: Any person performing construction work within the city shall implement appropriate BMPs to prevent the discharge from the site of pollutants, soil, or construction wastes or debris, including contaminants from construction materials, tools, and equipment to a stormwater facility.

(F) Watercourse Protection: Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, and other obstacles that would pollute or contaminate the watercourse.

(G) Development/Redevelopment: The city may require development and/or redevelopment projects to incorporate appropriate BMPs to control the volume, rate, and potential pollutant loading of stormwater runoff from such development/redevelopment. These required BMPs may be contained in any land use entitlement, conditions of approval, grading plans, improvement plans, or any construction or building related permit to be issued relative to such development/redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required elsewhere in this code and adopted stormwater management plans. The city may withhold final approvals or other authorizations if the owner or developer is in violation of the provisions of this chapter. (Ord. 1672, 9-22-2015)

7-15-15: ILLICIT DISCHARGES:

Any person owning or occupying premises who has knowledge of any illicit discharge from or across those premises which might enter a stormwater facility, except as provided in section 7-15-8 of this chapter, shall:

(A) Cease and desist and/or take all reasonable action to contain, cleanup and abate the illicit discharge within seventy two (72) hours of notification or, if high risk spill, immediately, and

(B) Notify the enforcement agency or its designated contact person within twenty four (24) hours of discovery of the illicit discharge. The enforcement agency may require the property owner and/or the responsible person to take corrective actions within thirty (30) days or less for uncontrolled sources that could pose an environmental threat.

Additionally, any party responsible for controlling runoff in excess of incidental runoff shall do the following: 1) detect leaks and correct the leaks within seventy two (72) hours of learning of the leak; 2) properly design and aim sprinkler heads; 3) not irrigate during precipitation events; and 4) manage ponds containing recycle water such that no discharge occurs unless the discharge is a

result of a 25-year, 24-hour storm event or greater, and the regional water quality control board is notified by e-mail no later than twenty four (24) hours after the discharge. (Ord. 1672, 9-22-2015)

7-15-16: ENFORCEMENT:

Any person who violates a provision of this chapter may be subject to administrative, civil, or criminal liability as provided in title 1, chapters 4, 4A, and 4B of this code.

(A) Primary Authority: The enforcement agency is empowered to use any of the provisions of this section through section 7-15-21 of this chapter, and the provisions found in title 1, chapters 4, 4A, and 4B where appropriate to correct violations of, and secure compliance with the provisions of this chapter.

(B) Warning Not Required: Issuance of a warning shall not be a requirement prior to using any enforcement provision of this chapter. (Ord. 1672, 9-22-2015)

7-15-17: VIOLATION:

(A) Informal Warning; Educational Materials: Whenever the enforcement official determines that a violation of a provision of this chapter has occurred or may occur, the enforcement official may provide a warning to any person and/or owner responsible for the condition giving rise to such violation or potential violation. Such warning may include the distribution of educational materials to assist in future compliance with this chapter. This warning may be provided in person or in writing.

(B) Notice Of Noncompliance: Whenever the enforcement official determines that a violation has occurred, the enforcement official may serve a notice of noncompliance to any person and/or property owner responsible for the violation. Each notice of noncompliance shall contain the following information:

1. The date of the violation;

2. The address or a definite description of the location where the violation occurred;

3. The chapter section violated and a description of the violation;

4. A description of how the violation can be corrected;

5. A time limit by which the violation shall be corrected, after which further enforcement and/or corrective actions may be taken by the city if the violation is not fully corrected;

6. The name and signature of the individual preparing the notice of noncompliance;

7. A statement outlining the procedure for appeal of the notice of noncompliance; and

8. Notice of potential liability under the federal clean water act or state Porter-Cologne water quality act.

(C) Administrative Compliance Order: Whenever the enforcement official determines that a violation has occurred, the enforcement official may serve an administrative compliance order to any person and/or property owner responsible for the violation. Each administrative compliance order shall contain the following information:

1. The date of the violation;

2. The address or a definite description of the location where the violation occurred;

3. The chapter section violated and a description of the violation;

4. An order to cease all activities which are believed to be causing the violation;

5. A time limit by which the violation shall be corrected, after which corrective actions will be taken by the city if the violation is not fully corrected;

6. A statement that the city will charge the person and/or owner for all administrative costs associated with enforcement actions;

7. An order prohibiting the continuation or repeated occurrence of the violation;

8. The name and signature of the individual preparing the citation;

9. A statement outlining the procedure for appeal of the order;

10. Notice to the violator of potential liability under the federal clean water act or state Porter-Cologne water quality act; and

11. Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions, and requirements of any permit issued pursuant hereto.

(D) Citation: The enforcement official is authorized to issue citations for infractions of this section using the provisions found in title 1, chapters 4, 4A, and 4B of this code.

(E) Misdemeanor: Any violation of this chapter may, at the discretion of the enforcing agency, be considered a misdemeanor and, as such, may be punished using the provisions of section 1-4-5 of this code, including a fine of not more than one thousand dollars ($1,000.00), imprisonment for a period not to exceed six (6) months, or both.

(F) Cost Recovery: The enforcement official may deliver to the property owner or occupant, any permittee, or any other person who becomes subject to a notice of noncompliance or administrative compliance order, an invoice for costs. An invoice for costs shall be immediately due and payable to the city for the actual costs incurred by the city in issuing and enforcing any notice or order.

If any owner or occupant, permittee, or any other person subject to an invoice for costs fails to either pay the invoice for costs or appeal successfully the invoice for costs or the underlying notice or order in accordance with this section, then the county may institute collection proceedings or resort to any collections methods authorized by title 1, chapters 4A and 4B of this code.

(G) Service: The enforcement officer shall use the provisions of title 1, chapter 4A of this code to serve a notice of noncompliance, citation, administrative compliance order, or invoice for costs to effectuate the provisions of this chapter.

(H) Separate Violation Intent:

1. Each day in which a violation occurs and each separate failure to comply with any provision of this chapter is a separate offense and punishable by penalties in accordance with this chapter.

2. A violation of the provisions of this chapter shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate, or utilize an illicit connection, or to cause, allow or facilitate any illicit discharge or threatened illicit discharge. (Ord. 1672, 9-22-2015)

7-15-18: ADMINISTRATIVE APPEALS:

(A) Any person receiving a notice of noncompliance, administrative compliance order, or citation under section 7-15-17 of this chapter, or any person required to perform monitoring, analysis, reporting or corrective activities by any enforcement official and who is aggrieved by such decision may appeal, in accordance with section 1-4A-32 of this code, the notice of noncompliance, administrative compliance order, citation, or decision in writing to the hearing officer within ten (10) days following the effective date of the subject action. Upon receipt of such appeal, the hearing officer shall request a report and recommendation from the authorized city employee and shall set the matter for hearing at the earliest practical date. At said hearing, the hearing officer may base his or her decision on additional evidence, and may reject, affirm or modify the enforcement official's decision.

(B) The decision of the hearing officer may be appealed to the city council by filing a notice of appeal with the city clerk within fifteen (15) days of receipt of the decision of the hearing officer. Such appeals shall be in writing and shall set forth fully the grounds for the appeal. The city council shall thereupon fix a time and place for a public hearing of such appeal. The city clerk shall give notice to the appellant of the time and place of hearing by serving it personally or by depositing it in the U.S. post office, postage prepaid, addressed to the appellant at his last known address at least five (5) days prior thereto.

At the hearing before the city council, the appellant may appear in person or by counsel and present any relevant evidence relating to the grievance; the enforcement agency may present evidence in rebuttal thereof. The hearing may be continued from time to time, not to exceed thirty (30) days in all. The city council shall conduct a hearing and make findings as appropriate. The decision of the city council shall be final.

(C) Notwithstanding the foregoing, these administrative appeal procedures shall not apply to criminal proceedings initiated to enforce this chapter. (Ord. 1672, 9-22-2015)

7-15-19: NUISANCE ABATEMENT; SUMMARY ABATEMENT:

(A) Nuisance Abatement: The enforcement official may, in addition to other authorized procedures set forth in this chapter, take action to abate any nuisance in accordance with the procedures found in title 1, chapters 4A and 4B of this code. The costs of any such abatement undertaken by the city shall be borne jointly and severally by the property owner and the person creating, causing, committing, allowing, or maintaining the nuisance and shall be collectable in accordance with the provisions of title 1, chapters 4A and 4B of this code.

(B) Summary Abatement: The enforcement official may, in addition to other authorized procedures, take immediate action to abate any illicit discharge or threatened illicit discharge from any source to a stormwater facility when, in the discretion of the enforcement agency, the illicit discharge or threatened illicit discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a permit. The enforcement official must first make reasonable attempts to contact and compel the responsible person and/or property owner to abate the illicit discharge or threatened illicit discharge in a satisfactory manner. The costs of any such abatement shall be borne jointly and severally by the property owner and the person creating, causing, committing, allowing, or maintaining the nuisance and shall be collectable in accordance with the provisions of title 1, chapters 4A and 4B of this code. Following the summary abatement hearing, within ten (10) days of taking action in accordance with this section, there shall be a postabatement hearing in accordance with title 1, chapter 4A and/or chapter 4B of this code. (Ord. 1672, 9-22-2015)

7-15-20: CIVIL ACTIONS:

In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, as appropriate and allowed by law, any or all of the following remedies:

(A) A temporary restraining order, preliminary and permanent injunction;

(B) Reimbursement for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing action under this chapter;

(C) Costs incurred in removing, correcting or terminating the adverse effect(s) resulting from the violation; and

(D) Compensatory damages for loss or destruction of water quality, wildlife, fish and aquatic life. Costs and damages under this subsection shall be paid to the city and shall be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control system and/or implementing or enforcing the provisions of this chapter. (Ord. 1672, 9-22-2015)

7-15-21: REGULATORY FEE STRUCTURE AUTHORIZED:

The enforcement official shall collect such fees as may be authorized by the city council to establish and collect regulatory costs, which include routine inspections/investigations, and other regulatory functions associated with this chapter. Any such fees shall be established by resolution of the city council. (Ord. 1672, 9-22-2015)

7-15-22: NONEXCLUSIVE REMEDIES:

Each and every remedy available for the enforcement of this chapter shall be nonexclusive and it is within the discretion of the enforcement agency to seek cumulative remedies, including those specified in title 1, chapter 4A of this code, except that multiple monetary fines or penalties shall not be available

for any single violation of this chapter. Moreover, the remedies available to the city pursuant to this chapter shall not limit the right of the city to seek any other remedy that may be available by law. (Ord. 1672, 9-22-2015)

7-15-23: SEVERABILITY:

(A) If any section, subsection, phrase, or clause of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

(B) The city council hereby declares that it would have passed this chapter and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional. (Ord. 1672, 9-22-2015)

Chapter 16
HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIALS

7-16-1: TITLE:

This chapter shall be known as the *PLACERVILLE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIALS ABATEMENT ORDINANCE.* (Ord. 1698, 8-13-2019)

7-16-2: PURPOSE:

The purpose of this chapter is to provide for the removal of hazardous vegetation and combustible materials situated in the Placerville City limits so as to reduce the potential for fire and to promote the public safety and welfare of the community. (Ord. 1698, 8-13-2019)

7-16-3: FINDING OF PUBLIC NUISANCE:

The City Council makes the following findings:

(A) It is the intent of the City Council that this chapter shall apply to the abatement of hazardous vegetation and combustible material on unimproved and improved parcels;

(B) The City of Placerville has a climate conducive to wildfires with periodic dry seasons and wind events. Many of the City's native and non-native plant species can be highly flammable during normal dry periods. Increasingly dry summers and severe wind events further exacerbate the fire danger and have the potential to result in catastrophic fire losses to life, property and the environment;

(C) Of paramount importance to the City Council and the citizens of Placerville is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires;

(D) It is the purpose of this chapter to establish a hazardous vegetation and combustible material abatement program that protects the lives and property of the citizens of Placerville while at the same time protecting rare and sensitive plant and animal species and the environment, and maintaining the City of Placerville's unique charm;

(E) The City Council finds that hazardous vegetation or combustible material poses a danger to the health, safety and welfare of the residents in the vicinity of any real property located throughout the territory of the City of Placerville for the reasons set forth above. Therefore, all hazardous vegetation or combustible material located on real property within the City of Placerville is deemed a public nuisance and poses a hazard to the safety of the landowners, residents in the vicinity, users of public highways and to the public generally;

(F) The City finds that this chapter is not subject to the California Environmental Quality Act (CEQA) because it will not result in significant environmental impacts and pursuant to the following categorical exemptions: section 15304(i) (specified fuels management activities within 100 feet of a dwelling), 15308 (actions taken as authorized by local ordinance to assure protection of the environment), 15321 (action by agency for enforcement of a law, general rule, standard or object administered or adopted by the agency). (Ord. 1698, 8-13-2019)

7-16-4: DEFINITIONS:

As used in this chapter:

ABATE OR ABATEMENT: Shall mean an act used to remove, destroy, eliminate, size, impound, or any action taken to mitigate a public nuisance.

ABATEMENT COSTS: Shall mean any and all costs incurred by the City to enforce this chapter and to abate the hazardous vegetation or combustible material on any property pursuant to this chapter including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney's fees, if applicable.

ACCUMULATION OF WEEDS: Includes, but is not limited to, permitting or allowing the growth of weeds.

COMBUSTIBLE MATERIAL/FUEL: Includes an accumulation of hazardous vegetation, garbage, rubbish, waste or material of any kind that is flammable and endangers the public safety by creating a fire hazard.

DEFENSIBLE SPACE: Means that area described in Government Code sections 51177 and 51182 and as otherwise described in this Code, which is adjacent to each side of a building or structure and within which hazardous vegetation and combustible material must be managed as set forth in this Code.

DIRECTOR: Means the Director of Development Services for the City of Placerville.

FIRE CHIEF: Means the Chief of the El Dorado County Fire Protection District (district).

FIRE HAZARD: Shall mean any condition, arrangement, act or omission which:

(A) Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or

(B) May obstruct, delay, hinder or interfere with the operations of a Fire Department or the egress of occupants in the event of fire.

FUEL: Means any hazardous vegetation or combustible material, including petroleum-based products and/or hazardous vegetation.

GARBAGE: Includes, but is not limited to, the following: waste resulting from the handling of edible foodstuffs or resulting from decay, and solid or semisolid putrescible waste, and all other mixed, nonrecyclable wastes which are generated in the day-to-day operation of any business, residential, governmental, public or private activity, and may include tin cans, bottles and paper or plastic, or other synthetic material, food or beverage containers.

HAZARDOUS VEGETATION: Means vegetation that is flammable and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves and tumbleweeds.

LADDER FUELS: Shall mean fuels that can carry a fire vertically between or within combustible material or hazardous vegetation.

REFUSE: Includes rubbish and garbage, as defined herein.

RUBBISH: Includes all the following, but is not restricted to, nonputrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste and similar waste materials.

STRUCTURE: Means any dwelling, house, building or other type of flammable construction including but not limited to a wood fence, deck or porch attached to any other structure.

WASTE: Means all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including residential, commercial, and Municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid wastes and semisolid wastes.

WEEDS: As used in this chapter, includes any of the following:

(A) Weeds which bear seeds of a downy or wingy nature;

(B) Brush, slash or weeds which attain such hard growth as to become, when dry, a fire menace to adjacent improved property;

(C) Weeds and grasses which are otherwise noxious;

(D) Poison oak when the conditions of growth are such as to constitute a menace to the public health;

(E) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard;

(F) Vegetation that is not pruned or otherwise neglected so as to attain such large growth as to become, when dry, a fire hazard to adjacent property. (Ord. 1698, 8-13-2019)

7-16-5: LEGAL AUTHORITY AND CONCURRENT AUTHORITIES:

(A) This chapter is enacted by ordinance pursuant to the powers granted to the City concerning the abatement of nuisances as contained in Government Code sections 38771 - 38775.

(B) This chapter is not the exclusive regulation for hazardous vegetation and materials abatement within the City of Placerville. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction. (Ord. 1698, 8-13-2019)

7-16-6: DUTY TO ABATE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL:

It shall be the duty of every owner, occupant, and person in control of any unimproved or improved parcel of land or having an interest therein, which is located in the City of Placerville to abate therefrom, and from all sidewalks and roadways, except for those roads accepted into the City maintained system, all combustible material and hazardous vegetation, that constitutes a fire hazard which may endanger or damage neighboring or adjoining property and/or structures. The requirements of this section shall be satisfied if the parcel is cleared in accordance with a Notice to Abate by cutting brush, trimming trees, thinning trees, disking, mowing, plowing or any other method described in a Notice to Abate, or, if no Notice to Abate is issued, by removing all hazardous vegetation and combustible materials as follows:

(A) For improved parcels:

1. Maintain a thirty foot (30') defensible space around all buildings/structures.

   (a) The grass needs to be cut six inches (6") or less.

   (b) For trees twenty feet (20') or less in height, branches need to be limbed up six feet (6') from the ground. For trees more than twenty feet (20') in height, branches need to be limbed up ten feet (10') from the ground.

   (c) Shrubs need to be maintained with ground clearance and removal of dead and dying limbs.

   (d) Poorly maintained or overgrown climbing vines must be removed from trees and structures.

2. Additional defensible space outward to one hundred feet (100') from all buildings and surrounding, neighboring structures may be required depending on the property slope, fuel load

and/or fuel type.

(a) Fuel load - amount of vegetation.

(b) Fuel type - type of vegetation.

(c) Property slope - steepness of property.

3. Maintain at all times a ten foot (10') minimum clearance of vegetation next to the roadside.

(a) The roadside clearance may be extended more than ten feet (10').

4. Maintain at all times a ten foot (10') minimum clearance in all directions of tree limbs or any other vegetation from chimney and/or stovepipe outlets.

5. Maintain all trees and vegetation adjacent to a structure to minimize overhanging and eliminate dead/dying wood.

6. Maintain the roof and gutters of any structure free of leaves, needles, debris, or dead/dying wood.

7. Install a spark arrester on chimney and/or stovepipe outlets.

(a) The spark arrester must be constructed of heavy wire mesh with openings not to exceed one-half inch ($^1/_2$").

8. Provide street address numbers that are clearly visible from the roadside, minimum height four inches (4").

(a) The address numbers should be posted on the house.

(b) If the house sits back from the street, post the address at the beginning of the driveway and on the house.

(c) The address numbers should be in a contrasting color for visibility.

9. Remove all dead/dying vegetation from property.

10. Maintain the property free of ladder fuels.

11. The amount of fuel modification necessary may take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure.

12. This section does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the one hundred foot (100') perimeter of the structure, the most intense being within the area closest to the structure.

(B) For unimproved parcels:

1. Any unimproved parcel of two (2) acres or less shall be cleared of all waste, hazardous vegetation and combustible material prior to May 1 or the start of fire season, whichever occurs

first. Lots on which weeds, dry grass, non-cultivated pastures, or other hazardous vegetation exists shall be mowed or trimmed to a maximum vegetation height of six inches (6") throughout the calendar year so as to not constitute a fire hazard.

2. Any unimproved parcel or multiple contiguous parcels under the same ownership consisting of more than two (2) acres shall either be cleared of all waste, hazardous vegetation and combustible material or mowed as set forth in subsection (B)1 of this section, or shall construct and maintain a minimum thirty foot (30') wide shaded firebreak around the perimeter of such property. Such actions should take place prior to May 1 or the start of fire season, whichever occurs first. Shaded firebreaks shall be disked around the entire perimeter of the parcel. Scraping will also be allowed, provided that the scraped material is removed or spread evenly over the remaining property.

3. The Enforcement Officer or his or her designee may require a firebreak of more than thirty feet (30') in width to a maximum of one hundred feet (100') in width, or less than thirty feet (30') in width, as a firebreak for the protection of public health, safety or welfare or the environment. The determination of appropriate clearance distances for firebreaks will be made based upon a visual inspection of the parcel and shall consider all factors that place the property or adjoining properties or structures at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining properties or structures are located.

(C) The Enforcement Officer's determination of appropriate fuel modification, clearance distances, or other management of hazardous vegetation and combustible materials shall be made for the protection of public health, safety, or welfare or the environment, shall be based upon a visual inspection of the parcel and shall consider all factors that place the property or adjoining properties or structures at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining properties or structures are located.

(D) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(E) Improved and unimproved parcels adjacent to roadways and determined by the Enforcement Officer (or designee) to be necessary for the safe ingress and egress to the area served by the roadway or fire access easement and on which the current condition of fuels is assessed by the Enforcement Officer as an extra hazardous fire condition must be treated or abated.

(F) Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable State and local building standards, including those described in subdivision (b) of section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable State and local building standards, including those described in subdivision (b) of section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(G) In addition, any new building permit request will necessitate a vegetation management inspection and compliance before issuance of the permit.

(H) Good Neighbor and Neighborhood Protection Policy including unimproved parcels - a one hundred foot (100') wide strip of land around flammable structure(s) located on an adjacent improved parcel may be required (some or all of this clearance may be required on the adjacent improved or unimproved parcel depending upon the location of the structure on the improved parcel). For example, a structure could be within seventy feet (70') of its property line. The City of Placerville urges all such adjacent property owners to assist their neighbor by performing vegetation management on another thirty feet (30') to create a one hundred foot (100') strip of treated land.

(I) Prior to the close of any real estate sales transaction within the City, the requirements for property owners to comply with this chapter shall be disclosed to all potential buyers.

(J) Any use of chemical substances for the purpose of hazardous vegetation abatement shall be in accordance with the manufacturer's recommendations. No toxic chemical substances shall be allowed to enter into lakes, streams, waterways, the City's storm drain system or the City's wastewater system. (Ord. 1698, 8-13-2019)

7-16-7: PROHIBITED CONDUCT:

No person shall dump hazardous vegetation, combustible material or refuse, nor permit the dumping of weeds or refuse, nor permit the accumulation of hazardous vegetation, combustible material or refuse, on their own property or on any other property in such a manner as to constitute a fire hazard. (Ord. 1698, 8-13-2019)

7-16-8: ENFORCEMENT OFFICERS:

The Enforcement Officer shall have authority to enforce this chapter and issue citations for violations. For purposes of this chapter, the "Enforcement Officer" may be:

(A) The Fire Chief of the El Dorado Fire Protection District (Fire Chief) or his/her designee;

(B) The City of Placerville Development Services Director (Director) or his/her designee. (Ord. 1698, 8-13-2019)

7-16-9: INSPECTION:

(A) When there is no reasonable expectation of privacy, such as with respect to an abandoned dwelling or building, the Enforcement Officer may enter onto that property without a warrant in order to inspect the property for the purposes of determining whether the provisions of this chapter have been violated. Where there is an inhabited dwelling and/or portions of the property require entering upon the property for inspection, the Enforcement Officer shall obtain legal consent or an inspection warrant issued pursuant to California law.

(B) For the purpose of enforcing or administering this chapter, the Enforcement Officer may seek to enter any real property for the purpose of inspecting the property or for summary abatement proceedings whenever the Enforcement Officer is informed or has reasonable cause to believe that hazardous vegetation or combustible material exists, constituting a condition imminently dangerous or injurious to the health or welfare of persons or to the public, including the environment, is a public nuisance or is otherwise in violation of this chapter. (Ord. 1698, 8-13-2019)

7-16-10: ENFORCEMENT:

Violations of this chapter may be enforced following the procedures and timelines specified in section 7-16-12 of this chapter. As an alternative to such enforcement procedures, the Enforcement Officer retains the discretion to commence a meet and confer process with property owners determined to be in violation of this chapter to attempt to agree to a mutually acceptable method for abating the waste, vegetation and combustible material existing on such property. Nothing shall prohibit the Enforcement Officer from issuing a hazard abatement notice to a property owner and following the enforcement procedure specified in this section with respect to property owners who do not agree to a mutually acceptable abatement method after discussions with the Enforcement Officer. (Ord. 1698, 8-13-2019)

7-16-11: SUMMARY ABATEMENT PROCEEDINGS:

In addition to the authority granted by law to the Enforcement Officer, in exigent situations, the Enforcement Officer is authorized to enter real property and summarily abate any public nuisance determined by the Enforcement Officer to constitute an immediate threat to public health or safety without prior notice or hearing. (Ord. 1698, 8-13-2019)

7-16-12: HAZARD ABATEMENT NOTICE:

Proceedings under this chapter shall commence when a violation of this chapter is identified, and notice is given in the manner prescribed as follows. The Enforcement Officer shall mail written notice to each person that has an ownership interest in the property to which the violation pertains. Ownership interest shall be determined based on the last equalized assessment roll available on the date of mailing of the notice. In addition to mailing, the notice shall be posted on the property. Notification shall also be accomplished by posting on the property where the owner's mailing address is not available or not current.

The contents of written and posted notices shall include the following:

(A) A description of the property by reference to the assessor's parcel number as used in the records of the County Assessor, and by reference to the common name of a street or road upon which the property abuts, if the property abuts upon a road or street;

(B) A statement that there are hazardous vegetation, weeds, rubbish or refuse upon the property;

(C) A notice that such hazardous vegetation, weeds, rubbish or refuse be removed or abated by a date certain, which shall not be less than fifteen (15) calendar days following the mailing or posting of the

notice;

(D) A statement that the hazardous vegetation, weeds, rubbish or refuse may be removed under authority of the City and the costs of such removal and abatement made a legal charge against the owner or owners of the property, a lien on the property and subject to collection with Property Taxes as specified under section 38773.5 of the Government Code;

(E) A statement referencing the right to appeal the Enforcement Officer's determination; and

(F) With respect to notices which are posted, a title which reads "HAZARD ABATEMENT NOTICE" the letters of the foregoing title to be not less than one inch (1") in height.

(G) Notices which are posted shall be conspicuously posted in front of the property, or if the property has no frontage upon a road or street, then upon a portion of the property nearest to a road or a street most likely to give actual notice to the owner. Notices shall be posted not more than one hundred feet (100') in distance apart upon property with more than two hundred feet (200') of frontage, and at least one notice shall be posted on each parcel with two hundred (200) or less feet of frontage. (Ord. 1698, 8-13-2019)

7-16-13: APPEALS:

(A) Any person, who is adversely affected by the Hazard Abatement Notice specified in section 7-16-10 of this chapter, may appeal such Hazard Abatement Notice to the Hearing Officer within fifteen (15) calendar days of the postmark on the Hazard Abatement Notice by filing a written appeal with the Enforcement Officer. Timely appeal shall stay any further action for removal or abatement until the date set for hearing, unless the weeds, hazardous vegetation, waste or combustible material at issue presents an imminent fire hazard within one hundred feet (100') of any structure. The Enforcement Officer shall set the matter for hearing before the Hearing Officer, who shall be the City of Placerville City Manager or his designee. Any designee of the City Manager shall be someone not involved in any way in the issuance of the Hazard Abatement Notice. The Enforcement Officer shall notify the appellant by certified mail of the date and time set for such hearing, at least fifteen (15) days prior to said date. If the appellant resides outside the County of El Dorado, such Notice of Hearing shall be mailed to the appellant at least twenty (20) days prior to the date set for the hearing. The appellant shall have the right to appear in person or by agent, designated in writing, at the hearing, and present oral, written, and/or photographic evidence. The Hearing Officer shall issue its order denying or granting the appeal, which shall be in writing and be issued within fifteen (15) days of the date of the hearing. The decision of the Hearing Officer shall be final. Following the hearing notification deadline, the parcel shall be abated within seven (7) days. If abatement has not occurred within the seven (7) days, the City may abate the nuisance. (Ord. 1698, 8-13-2019)

7-16-14: SEASONAL DESIGNATION:

In the case of a parcel containing a fire hazard where abatement pursuant to a Hazard Abatement Notice has occurred in two (2) previous years, and the fire hazard is seasonal or recurring, it shall be within the authority of the Enforcement Officer to declare the lot a seasonal public nuisance, whereby the fire hazards shall be abated thereafter without the necessity of further hearing. (Ord. 1698, 8-13-2019)

7-16-15: REMOVAL OF HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL:

If compliance has not been accomplished at the end of the time allowed for compliance in the original notice, or as extended by administrative agreement of the Hearing Officer, the Enforcement Officer may order such weeds or other flammable vegetation and/or material to be removed by the City of Placerville or by private contractor selected by the City in accordance with City's abatement contracting procedures. (Ord. 1698, 8-13-2019)

7-16-16: COLLECTION OF COSTS FOR ABATEMENT:

When proceedings under this chapter result in the removal of weeds, grasses, hazardous vegetation, waste or combustible material from property by the City or their agents or contractors due to the refusal of a property owner to comply with this chapter, all costs incurred by the City in performing such removal may be assessed against the property. Such costs shall include the costs of labor, materials and equipment furnished by the City in removing such waste, hazardous vegetation and/or combustible material; the costs incurred by the City for payments to an independent contractor to remove such waste, hazardous vegetation and combustible material from the property; all administrative costs incurred by the City in removing such waste, hazardous vegetation and combustible material including actual costs of investigation, property inspection, boundary determination, measurement, clerical costs, and administrative overhead costs for supervision, insurance, costs of publication, mailing and posting of notices; preparation of contracts with independent contractors to perform the abatement work; review of bids by contractors; administration of contracts for abatement activities; and other budgeted overhead items. If waste, weeds, hazardous vegetation and/or combustible material are ultimately removed from the property by the property owner subsequent to the deadline for removal specified in any Hazard Abatement Notice issued by the Enforcement Officer, the City shall be entitled under this chapter to assess against the property all such costs incurred securing such compliance with this chapter by the property owner up to and including the final date of compliance.

The Enforcement Officer shall keep an account of such administrative and removal costs of abatement and shall submit to the City Council for confirmation an itemized written report showing such unpaid costs and their proposed assessment to the respective properties subject to the Hazard Abatement Notice. The report shall be filed with the City Clerk not less than fifteen (15) calendar days in advance of the confirmation hearing required below.

Upon receipt of the report, a public hearing shall be scheduled to receive any protests and to confirm the cost report. A statement of the proposed costs and notice of the time, date and place of the hearing, together with reference to the report on file with the Clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed as shown on the last equalized assessment roll available on the date of mailing of the notice to the address or addresses of the owner or owners shown on the roll or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not less than fifteen (15) calendar days in advance of the hearing.

Notice of the time, date and place of the public hearing by the City Council shall be published once in a newspaper of general circulation published within the City. With respect to each property proposed to be assessed for which the name of the owner or owners is not shown on the last equalized assessment roll, or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners as such name or names are shown on the last equalized assessment roll, the assessor's parcel number, the street address of the property if the property has an address and the address is known to the Enforcement Officer, the name of the street or road upon which such property abuts if the property abuts upon a street or road, the amount of the

proposed assessment and reference to the report on file with the Enforcement Officer. Such publication shall be made not less than fifteen (15) calendar days in advance of the hearing.

At the time fixed for receiving and considering the report, the City Council shall conduct a public hearing and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the costs of abatement. The City Council shall then confirm or modify, if necessary, the report by motion or resolution. (Ord. 1698, 8-13-2019)

7-16-17: LEVYING OF ABATEMENT COSTS AGAINST PROPERTY:

(A) The costs of abatement incurred by the City once approved by resolution of the City Council shall be mailed to the owner of the property, demanding payment within thirty (30) days of the date of mailing. If the costs as confirmed are not paid by the responsible property owner within thirty (30) days of the date of mailing of the notice, such costs shall be assessed against the parcel of land as a nuisance abatement lien in accordance with Government Code section 38773.1. The Notice of Lien shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the date upon which the abatement of the nuisance was ordered and the date that the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost constituting the lien. Recordation of a Notice of Abatement Lien pursuant to this section shall have the same effect as recordation of a money judgment recorded pursuant to Code of Civil Procedure section 697.310 et seq., and shall create a lien which has the same priority as a judgment lien on real property which shall continue in effect until released. On the order of the City Council, or any designee of the City Council, an abatement lien created under this chapter may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

(B) As an alternative to, or in addition to the lien procedure detailed in subsection (A) of this section, the abatement costs incurred by the City may be levied against the parcel of land subject to abatement activities by the City as a real property assessment in accordance with Government Code section 38773.5. Any assessment imposed on real property pursuant to this section may be collected at the same time and in the same manner as ordinary Real Property Taxes are collected by the County of El Dorado and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary Real Property Taxes. Notice of any assessment that is levied on real property pursuant to this section shall be given to the property owner by certified mail from City. The City shall transmit the notice of such assessment levied on real property pursuant to this section to the County Auditor-Controller of El Dorado County with instructions to collect the assessment on the Real Property Tax rolls for the ensuing fiscal year. Such notice shall be transmitted to the County Auditor-Controller prior to August 10 in any fiscal year. (Ord. 1698, 8-13-2019)

7-16-18: ATTORNEY FEES:

In the event an action is filed over any of the proceedings set forth in this chapter, the prevailing party shall be entitled to reasonable fees and costs. (Ord. 1698, 8-13-2019)

7-16-19: VIOLATIONS:

(A) A violation of any of the provisions of this chapter, or failure to comply with any of the regulatory requirements of this chapter is an infraction and also constitutes an administrative violation pursuant to title 1, chapter 4A of this Code.

(B) Every violation of this chapter is punishable by: 1) a fine not exceeding one hundred dollars ($100.00) for the first violation; 2) a fine not exceeding two hundred dollars ($200.00) for the second violation of the same provisions within one year, and 3) a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same provisions within one year. (Ord. 1698, 8-13-2019)

7-16-20: SEVERABILITY:

This chapter and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this chapter shall not be affected thereby. The City Council hereby declares that it would have passed this chapter and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid. (Ord. 1698, 8-13-2019)

7-16-21: AUTHORITY TO PROMULGATE REASONABLE RULES AND REGULATIONS:

The City Council reserves its right to adopt reasonable rules, regulations, and resolutions consistent with this chapter to enforce, interpret, and carry out the provisions of this chapter. (Ord. 1698, 8-13-2019)

Title 8
PUBLIC WAYS AND PROPERTY

Chapter 1
SIDEWALKS

8-1-1: ENCROACHMENTS TO SIDEWALK SPACE:

All electric light, telephone, telegraph or other poles and all trees, when such poles and trees stand within the space used for sidewalks, or in the surface drainways of the streets, and constitute obstructions thereto, are hereby declared to be nuisances. It shall be the duty of the superintendent of streets to demand, in writing, of the parties responsible therefor, that the obstructions be removed and in case of failure of the parties to so remove any of the obstructions within thirty (30) days after notification, the superintendent of streets shall proceed immediately thereafter to remove the obstructions. (Ord. 507, 8-9-1901)

8-1-2: SIDEWALK REPAIRS REQUIRED:

It shall be unlawful for any person owning or having charge or control of any building, lot or premises in the city fronting on any portion of an improved street or where a sidewalk is laid, to allow any portion of the sidewalk in front of the building, lot or premises to be out of repair, and the person must at all times keep the sidewalk in such condition that it will not endanger persons or property passing thereon, and will not interfere with public convenience in the use thereof. (Ord. 743, 9-24-1951)

8-1-3: NOTICE; FAILURE TO REPAIR; LIEN:

Whenever any sidewalk within the city becomes defective from want of repair or renewing, the superintendent of streets may, by notice in writing, notify the owner of the real property to renew or repair the sidewalk, specifying in the notice what repairs are required. After the expiration of ten (10) days time from the day of service of the notice, the city shall be deemed to have acquired jurisdiction to contract for the making of necessary repairs if such repairs be not commenced and diligently prosecuted to completion, and the superintendent of streets may enter into contract with any proper person to make the repairs at a reasonable price and at the expense of the city; and all such expenses with the cost of collecting the same shall become a lien upon all of the lots or subdivision of land that the sidewalk may be contiguous to; and the lien may be enforced and foreclosed as hereinafter provided. (Ord. 1480, 8-27-1991)

8-1-4: SERVICE OF NOTICE:

The notices provided for in this chapter may be served personally by the superintendent of streets or by any citizen of the United States over the age of twenty one (21) years; or they may be served if the person upon whom service is to be made resides outside of the city, by the superintendent by mail, by depositing the same in the United States post office in a sealed envelope, with the postage thereon prepaid, and directed to the person sought to be served, at his last known address or place of residence; and the certificate of the superintendent of personal service or the affidavit of any other person as hereinbefore provided or in case of service by mail, the affidavit of the superintendent as to the necessary facts as herein required, shall constitute prima facie evidence of service of the notice. In case the owner is a nonresident of the city, then the occupant of the property, if there is one, must also be served with a duplicate of the notice served by mail on the owner. (Ord. 507, 8-9-1901)

8-1-5: ACTION FOR RECOVERY OF LIEN:

Whenever the superintendent of streets shall have caused any repairs to be made as in this chapter provided, and the bills therefor shall have been presented to the council, and the council shall have ordered the same to be paid and a warrant upon the treasurer to be drawn therefor, the council may at the same time or at any subsequent meeting, order the attorney to commence an action to recover the amount so ordered paid, and enforce and foreclose the lien of the city against the real property liable thereto. (Ord. 507, 8-9-1901)

Chapter 2
RESERVED
(Ord. 994, 5-26-1970)

Chapter 3
ENCROACHMENT ONTO CITY STREETS

8-3-1: GENERAL PROVISIONS; DEFINITIONS:

(A) Construction: Unless the context otherwise requires, the definitions and general provisions set forth in this section govern the construction of this chapter.

(B) Definitions:

CITY COUNCIL: The city council of Placerville, El Dorado County, California.

CITY ENGINEER: The city engineer or his authorized agent of the city.

ENCROACH, ENCROACHMENT: Includes going upon, over, under, or using any right of way in such a manner as to prevent, obstruct, or interfere with the normal use of that way, including the performance thereon of any of the following acts:

(A) Excavating or disturbing the right of way;

(B) Erecting or maintaining any post, sign, pole, fence, guardrail, wall, loading platform, or other structure on or over or under the right of way;

(C) Planting any tree, shrub, grass or other growing thing within the right of way;

(D) Placing or leaving on the right of way any rubbish, brush, earth or other material of any nature whatever;

(E) Constructing, placing, or maintaining on, over, under, or within the right of way any pathway, sidewalk, driveway, or other surfacing, any culvert or other surface drainage or subsurface drainage facility, any pipe, conduit, or cable;

(F) Traveling on the right of way by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit;

(G) Lighting or building a fire;

(H) Constructing, placing, planting or maintaining any structure, embankment, excavation, tree or other object adjacent to the right of way which causes or will cause an encroachment.

PERMITTEE: Any person(s), firm, company or corporation, association, public agency, or organization that proposes to do work or encroach upon a public "right of way" as herein defined and has been issued a permit for said encroachment by the city engineer. All obligations, responsibilities, and other requirements of the permittee as herein described, shall be binding on subsequent owners of the encroachment.

PUBLIC STREET: The full width of the right of way of any road, street, lane, alley, or pedestrian walkway used by or for the general public, whether or not those roads, streets, lanes, alleys, and pedestrian walkways have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system.

PUBLIC UTILITY: Any utility company, such as the Pacific Gas and Electric Company, or the Pacific

Telephone and Telegraph Company, which is regulated by the public utilities commission of the state of California, and conducts business in the city under authority of a duly executed franchise agreement with the city.

RIGHT OF WAY: Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the use of the general public for street, highway, lane, alley, or pedestrian walkway purposes.

(C) Right Of Lawful Use: Any permit granted under this chapter shall be subject to the right of the city, or any other person, district or other body of persons entitled thereto, to use that part of the public highway for any purpose for which it may be lawfully used, and no part of the highway shall be unduly obstructed at any time.

(D) Exceptions: This chapter shall not apply to any officer or employee of the city acting in the discharge of his official duties, or to any work performed by any person under contract with the city. This chapter shall not apply to any duly authorized employee of a public utility maintaining existing aerial facilities or underground facilities accessible through manholes, vaults, junction boxes, providing no excavation, boring or other earthwork is performed and a normal flow of traffic can be maintained on the public street or right of way.

(E) Acts Requiring Permit: It shall be unlawful for any person(s), firm, company, corporation, association, public agency, or organization, without first obtaining a written permit to encroach or to make or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right of way in the incorporated territory of the city, or to make or cause to be made any alteration of any nature within, upon, over, or under such right of way, or to construct, put upon, maintain or leave thereon, or to cause to be constructed, put upon, maintained or left thereon, any obstruction or impediment of any nature whatever; or to remove, cut or trim trees thereon; or to set a fire thereon, or to place on, over or under such right of way any pipe line, conduit or other fixture; or to move over or cause to be moved over the surface of any right of way or over any bridge, viaduct, or other structure maintained by the city any vehicle or combination of vehicles or other object or dimension or weight prohibited by law or having other characteristics capable of damaging the right of way, or to place any structure, wall, culvert or similar encroachment or to make any excavation or embankment in such a way as to endanger the normal usage of the right of way. (Ord. 994, 5-26-1970)

(F) Nonacceptable Permit Applications: No application will be approved nor permit issued for constructing or maintaining a loading platform upon or in the right of way of a public street or for erecting or maintaining therein or thereon a post, pole, column or structure for support for advertising signs; provided, however, that nothing contained in this section shall prohibit an application being made for the erection or maintenance of a directional sign. (Ord. 1067, 10-10-1974)

(G) Emergency Work Authorized: This chapter shall not prevent any person from maintaining any pipe, conduit, wire or cable lawfully on, over or under any public street, or from making excavation, as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours the offices of the city are closed, except that the person making an emergency use or encroachment on a public street shall apply for a permit therefor within one calendar day after the offices of the city are again opened. (Ord. 994, 5-26-1970)

8-3-2: PERMITS AND FEES:

(A) Issuance Of Written Permits: The written permits required by this chapter shall be issued by the city engineer, subject to conditions set forth in this chapter or required by law.

(B) Application For Permits: The city engineer shall prescribe and provide a regular form of application for the use of any applicant for a permit required by this chapter. The application form shall contain space for the name, address and principal places of business of the applicant, together with such detail as in the judgment of the city engineer is necessary to establish the exact location, dimensions, duration and purpose of the proposed use or encroachment.

(C) Permit Application Exhibits: The applicant shall enclose with, attach or add to the application for a permit a map, plat, sketch, diagram or similar exhibit when required by the city engineer, and of a size and in such quantity as he may prescribe, on which shall be plainly shown any and all information necessary to locate, delineate, illustrate, or identify the proposed use or encroachment and the right of applicant to so use or encroach thereon.

(D) Consent Of Public Bodies; Evidence Of To Be Filed: The applicant shall also enclose with, attach or add to the application the written order or consent to any work thereunder, required by law of the public utilities commission, sanitary districts, water districts or any other public body having jurisdiction. A permit shall not be issued until and unless such order or consent is first obtained and evidence thereof filed with the city engineer. The permittee shall keep himself adequately informed of all state and federal laws and local ordinances and regulations which in any manner affect the permit. The applicant shall at all times comply with and shall cause all his agents and employees to comply with all such laws, ordinances, regulations, decisions, court and similar authoritative orders.

(E) Liability For Damages: Permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by work permitted and done by permittee under the permit, or proximately caused by failure on permittee's part to perform his obligations under said permit in respect to maintenance. If any claim of such liability is made against the city, its officers or employees, permittee shall defend, indemnify and hold them, and each of them, harmless from such claim insofar as permitted by law.

(F) Fees: The schedule of fees will be those recommended by the city engineer and established and adopted by the council from time to time by resolution. Before a permit is issued, the applicant shall deposit with the city cash or check, in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with schedule established and adopted by the council.

Public utilities may, at the city engineer's option, make payment for the above charges as billed by the city instead of advance deposit as required above. (Ord. 994, 5-26-1970)

Fees will not be required of any public agency which is authorized by law to establish or maintain any works or facilities in, under or over any public street or right of way. Reference is hereby made to section 4-8-1 of this code for development fees. (Ord. 994, 5-26-1970; amd. Ord. 1263, 5-26-1981)

(G) Permit To Move Certain Vehicles Or Object: Before a vehicle or combination of vehicles or object of weight or dimension or characteristic, prohibited by law without a permit, is moved on any public right of way, a permit to do so must first be granted by the city engineer as set forth in specifications established by the city engineer, or as otherwise required by him.

(H) Term Of Permit; Beginning Of Work: The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within ninety (90) days from date of issuance, unless a different period is stated in the permit. If the work or use is not begun within ninety (90) days, or within the time stated in the permit, then the permit shall become void. A permit for continuing a use or maintaining an encroachment previously authorized shall be valid for a term of one year from date of issuance, unless sooner terminated by discontinuance of the use, or removal of the encroachment, for which the permit was issued.

(I) Term Of Permit: The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time and according to the terms specified in the permit. If the work is unduly delayed by the permittee and if the interest of the public reasonably so demands, the city engineer shall have authority to complete the work or any portion thereof. The actual cost of such a work by the city plus twenty percent (20%) as an overhead charge shall be charged to and paid by the permittee or his surety.

(J) Display Of Permit: The permittee shall keep any permit issued pursuant to this chapter at the site of work or in the cab of a vehicle when movement thereof on a public street is involved, and the permit must be shown to any authorized representative of the city engineer or law enforcement officer on demand.

A permit issued for continued use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguarded during the term of validity, but shall be made available to an authorized representative of the city engineer or law enforcement officer within a reasonable time after demand therefor is made.

(K) Changes In Permit: No changes may be made in the location, dimension, character or duration of the encroachment or use as granted by the permit except upon written authorization of the city engineer. No permit shall be required for the continuing use or maintenance of encroachments installed by public utilities, or for changes therein or thereto where such changes or additions require no excavation of the right of way. (Ord. 994, 5-26-1970)

8-3-3: BONDS:

(A) Surety Bond Required: Unless this part is waived in the permit and prior to the issuance of a permit, the applicant must file with the city engineer a bond equal to the cost plus twenty percent (20%) of the work required to be done in order to comply with all the terms and conditions of such permit as established by the city engineer.

(B) Cash In Lieu Of Surety Bond: In lieu of a surety bond required by subsection (A) of this section, the applicant may deposit cash in the amount named in subsection (A) of this section to secure the performance of the terms and conditions of the permit and the compliance with the provisions of this chapter.

(C) Annual Bond: As an alternative to the requirements of subsection (A) of this section, the applicant may, upon approval of the city engineer, annually file with the city engineer a bond equal to the estimated costs plus twenty percent (20%) of the work required to be done in order to comply with all of the terms and conditions of permits issued during the year and this chapter.

(D) Bond For Continuing Use: An applicant for a permit for a use or encroachment which is to continue or remain within, under, or upon the right of way of a public highway beyond the time authorized for construction or installation, shall file with the clerk a cash deposit or surety bond equal to the cost plus twenty percent (20%) in making the right of way safe and convenient for travel to the general public.

(E) Additional Bond Or Cash Deposit: The city engineer may require an additional bond or cash deposit required by subsections (A) through (D) of this section at any time when in his opinion the amount of the bond or cash deposit previously made is insufficient.

(F) Requirements Of Bond Provisions: The aforesaid bonds shall be executed by the applicant or contractor doing work as principal and by a surety company authorized to do business in this state as a surety. The bond shall name the city as obligee and shall be conditioned as follows:

1. That each and all of the terms and conditions of the permit shall be fully performed and complied with to the satisfaction of the city engineer;

2. That each and all of the provisions of this chapter are complied with.

An extension of time for performance of work may be granted by the city engineer, but no such extension of time shall be valid unless written and no such extension shall release any surety company upon any bond.

(G) Bond Payable To The City: Any bond or cash deposit required by the city engineer pursuant to this chapter shall be payable to the city. Upon satisfactory completion of all work authorized in the permit according to the terms of the permit and this chapter, the bond or cash deposit shall be released. In the event of noncompliance, the city may deduct from the cash deposit the actual cost to the city plus twenty percent (20%) of work done by the city pursuant to subsection 8-3-2(I) of this chapter before returning the deposit to the depositor. In the event of a bond having been posted, the city may proceed against the surety and principal for the actual cost to the city plus twenty percent (20%) of work done by the city pursuant to subsection 8-3-2(I) of this chapter.

(H) Exclusions: Cash deposits or bonds will not be required of any public utility or public agency which is authorized by law to establish or maintain any works or facilities in, under, or over any public street or right of way. (Ord. 994, 5-26-1970)

8-3-4: ERECTION AND MAINTENANCE OF SAFETY PROVISIONS:

The permittee in the conduct of the work, use, or maintenance of an encroachment authorized by a permit issued pursuant to this chapter shall provide, erect, and/or maintain such lights, barriers, warning signs, patrols, watchmen, and other safeguards as are necessary to protect the traveling public. Any omission on the part of the city engineer to specify in the permit what lights, barriers, or other protective measures or devices shall not excuse the permittee from complying with all

requirements of law and appropriate regulations and ordinances for adequately protecting the safety of those using public streets. If, at any time, the city engineer finds that suitable safeguards are not being provided, the city may provide, erect, maintain, relocate, or remove such safeguards as are deemed necessary or may cancel the permit and restore the right of way to its former conditions, all at the expense of the permittee.

A permittee making any excavation or erecting or leaving any obstruction within, under, or upon the right of way, or causing the same to be made, erected, or left, shall place and maintain lights at each end of the excavation or obstruction, at not more than fifty foot (50') intervals along the excavation or obstruction, from one-half ($^1/_2$) hour before sunset of each day to one-half ($^1/_2$) hour after sunrise of the next day, until the excavation is entirely refilled or the obstruction removed and the right of way made safe for use. In addition, reflectorized warning signs conforming to the requirements of the California division of highways shall be placed two hundred feet (200') and four hundred feet (400') from each excavation or obstruction, in such a position as to adequately warn public traffic.

The warning signs, lights and other safety devices shall conform to the requirements of section 465.7 of the Vehicle Code and of any sign manual issued by the department of public works of the state of California. (Ord. 994, 5-26-1970)

8-3-5: NOTIFICATION:

(A) Beginning Of Work: Before beginning any work which is or includes excavation, construction of concrete sidewalks, curbs, gutters or driveway approaches, planting, trimming or removing trees, making, placing or causing an obstruction in the traveled way, the permittee shall notify the city engineer.

Before starting work on which an inspector is required, the permittee shall notify the city engineer twenty four (24) hours in advance of beginning such work.

(B) Completion Of Work: The permittee shall upon completion of all work authorized in the permit, notify the city engineer. No work shall be deemed to be completed until notification of completion is given pursuant to this section and the work is accepted by the city engineer. (Ord. 994, 5-26-1970)

8-3-6: CARE OF DRAINAGE:

If the work, use or encroachment authorized in the permit issued pursuant to this chapter shall interfere with the established drainage, the permittee shall provide for proper drainage as directed by the city engineer. (Ord. 994, 5-26-1970)

8-3-7: INTERFERENCE WITH USE:

All work or use shall be planned and executed in a manner that will least interfere with the safe and convenient travel of the general public at the place where the work or use is authorized. Free and unobstructed access shall be provided to all mailboxes, fire hydrants, water gates, valves, manholes, drainage structure, and/or other public service structures and property as may be required for emergency use. Such public service structures or property shall not be removed or relocated without proper accordance with the properly constituted authorities charged with their control and maintenance. The work area shall be confined so as not to obstruct roadways and walks unnecessarily. Temporary

roadways, driveways, and walks for vehicles and pedestrians shall be constructed where required. (Ord. 994, 5-26-1970)

8-3-8: RESTORING OF STREET; MAINTENANCE OF ENCROACHMENT:

Upon completion of the work, acts or things for which the permit was issued, or when required by the city engineer, the permittee shall replace, repair or restore the public street at the place of work to the same condition existing prior thereto unless otherwise provided in the permit. The permittee shall remove all obstructions, impediments, material or rubbish caused or placed upon the right of way of the public street under the permit, and shall do any other work or perform any act necessary to restore the public street to a safe and usable condition.

After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. For a period of one year after the completion of the work the permittee shall repair and make good any injury or damage to any portion of the street which occurs as the result of work done under the permit, including any and all injury or damage to the street which would not have occurred had such work not been done. By the acceptance of the permit the permittee agrees to comply with the above. The permittee shall, upon notice from the city engineer, immediately repair any injury, damage or nuisance, in any portion of the right of way, resulting from the work done under the permit. In the event that the permittee fails to act promptly or should the exigencies of the injury or damage require repairs or replacement to be made before the permittee can be notified or can respond to notification, the city may, at its option, make the necessary repairs or replacements or perform the necessary work and the permittee shall be charged with all expenses incurred in the performance of said work. (Ord. 994, 5-26-1970)

8-3-9: RELOCATION OR REMOVAL OF ENCROACHMENTS:

If any future construction, reconstruction, or maintenance work by the city on a public right of way requires the relocation, removal or abandonment of installations or encroachments in, on or under the public right of way, the permittee, owning, controlling, or maintaining such installations or encroachments shall relocate, remove or abandon the same at his sole expense; provided, however, that this provision shall apply to and remain in force and effect only so long as the right of way upon which such installations or structures are located shall be used for usual street purposes and not as a freeway, and this provision shall cease to apply when such street shall become a freeway. When removal, relocation or abandonment is required, the city engineer shall give said permittee a written demand specifying the place of relocation, or that the installations or encroachment must be removed, relocated or abandoned. If said permittee fails to comply with said instructions, the city may cause the removal, relocation or abandonment of the encroachment at the expense of the permittee. (Ord. 994, 5-26-1970)

8-3-10: STANDARDS, SUPERVISION AND INSPECTION:

All work done under a permit issued pursuant to this chapter shall conform to specifications established by the city engineer, or in the absence of established specifications to recognized standards of

construction and approved practices in connection with the work to be done. All work shall be done subject to the supervision of, and to the satisfaction of the city engineer. (Ord. 994, 5-26-1970)

8-3-11: STORAGE OF MATERIAL:

No material shall be stored within the traveled way or sidewalk, unless otherwise approved by the city engineer. Excess earth materials from trenching or other operations shall be removed from the pavement, traveled way, or shoulder as the trench is backfilled or other work carried forward unless otherwise approved by the city engineer. (Ord. 994, 5-26-1970)

8-3-12: SMALL PIPES:

Utility services and other small diameter pipes or rigid conduits shall be jacked or otherwise forced underneath a paved surface. The paved surface of a road shall not be cut, trenched, or otherwise disturbed unless specifically authorized in the permit. No tunneling will be permitted except as specifically set forth in the permit. (Ord. 994, 5-26-1970)

8-3-13: MINIMUM COVER:

The minimum cover over any and all pipes or conduits larger than two and one-half inches ($2^1/_2$") installed within the right of way shall be three feet (3') of earth or imported materials, unless otherwise specified in the permit. Within the public street, the minimum cover of three feet (3') shall be measured from the surface, existing or planned. The city engineer is authorized to permit installation of pipes or conduits where three feet (3') of cover cannot be provided because of topography, structures, or other engineering necessity. (Ord. 994, 5-26-1970)

8-3-14: BACKFILLING:

Backfilling of an excavation shall be in accordance with specifications established by the city engineer or as otherwise required by him, both as to material and method; and backfill shall not be placed in any excavation without compaction of the material used therein, the degree and method thereof to be to the satisfaction of the city engineer. (Ord. 994, 5-26-1970)

8-3-15: POLES AND TRANSMISSION LINE CARRIERS:

Clearances and types in the construction of poles and transmission line carriers shall be in accordance with rules, regulations, and orders of the public utilities commission and other public agencies having jurisdiction. No guy wires are to be attached to trees without specific authorization to do so in the permit, and in no event shall guy wires be so attached as to girdle the tree or interfere with its growth. Guy wires shall not be below the minimum elevation above the ground, prescribed in the rules, orders, and regulations of the public utilities commission.

When a pole, brace, stub, or similar timber is removed and not replaced, the entire length thereof shall be removed from the ground and the hole backfilled and compacted. (Ord. 994, 5-26-1970)

8-3-16: AIDS TO VISIBILITY:

When the location or position of a pole or other obstruction makes accentuation of its visibility to vehicular traffic necessary, the city engineer may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the public utilities commission or the department of public works of the state of California at the expense of the permittee. (Ord. 994, 5-26-1970)

8-3-17: MOVEMENT OF VEHICLES:

When authorized by a permit issued pursuant to this chapter to move a vehicle or combination of vehicles or load or dimension or weight in excess of that permitted by law, the permittee shall comply with the general law regulating travel over a public street, including posted signs or notices which limit speed or direction of travel, or weight which may be placed upon a structure, or the width or height that may be moved thereon or thereover, or otherwise restrict or control travel on a public street. The permittee shall at all times conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public, and to keep safe and preserve the public highway over and on which movement is being made. Any violation of this section shall cancel the permit issued to the permittee. (Ord. 994, 5-26-1970)

8-3-18: MAILBOXES:

All mailboxes must be placed in accordance with the rules and regulations of the United States post office department, but no box shall be so placed within the road right of way as to endanger the life or safety of the traveling public. A permit is not required for the placing of mailboxes. (Ord. 994, 5-26-1970)

8-3-19: PLANTING TREES:

The applicant for a permit to plant trees in the right of way of a public street shall show in his application the exact location of and the kind of tree to be planted. No change shall be made in either location of trees or in kind of trees without the approval of the city engineer.

The city engineer may refuse to issue a permit authorizing the planting of trees in the right of way of a public street when, in his judgment, the location as described in the application, or the nature of growth above or below ground of the kind of tree proposed, will impede or inconvenience travel on a public highway or unduly disturb the right of way thereof, or in any way impede construction or maintenance of necessary facilities. (Ord. 994, 5-26-1970)

8-3-20: HEDGES OR FENCES:

No hedge, shrub, or other planting whatever, fence or similar structure, except as provided in section 8-3-22 of this chapter, shall be planted, erected or maintained in a right of way without a permit.

No hedge, shrub, or other planting whatever, fence or similar structure, shall be maintained across any existing walkway in a sidewalk area or shoulder. The intent of this restriction is to keep free a walkway for pedestrians or other lawful public travel without interference by or with vehicular travel. No encroachment of any nature will be permitted or maintained which impedes, obstructs, or denies such pedestrian or other lawful travel within the limits of the right of way of a public street, or which impairs adequate sight distance for safe pedestrian or vehicular traffic.

The permittee, or the owner of the adjacent property, shall maintain the hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition at all times. If the encroachment is not maintained as specified in this chapter, the city engineer may direct the permittee or property owner to remove the encroachment and restore the right of way to its former condition, at the expense of the permittee or property owner. (Ord. 994, 5-26-1970)

8-3-21: TRIMMING OR REMOVING TREES:

Trimming of trees will be permitted only when and in the manner authorized by a permit issued pursuant to this chapter, that the shapeliness of the tree may be preserved.

An application for removal of a tree will be approved and permit issued only when a necessity for removal exists, and adjacent property owners concur, or when deemed necessary by the city engineer. When a tree is removed under authority of a permit, the entire stump shall be taken out for a distance of at least two feet (2') below the ground surface unless otherwise specified in the permit, and the hole backfilled and tamped. All debris from trimming or removal shall be removed from the site and the right of way restored to its former condition. (Ord. 994, 5-26-1970)

8-3-22: LAWN; NO PERMIT REQUIRED:

Other provisions of this chapter notwithstanding, it is lawful for a person, or body of persons to plant and maintain a lawn of any grass, or type not prohibited by other law, within the right of way of a public street without a written permit. However, the lawn shall not extend into the traveled way of the public street nor into the drainage ditches, gutter or other drainage facilities.

The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The city may use the planted area for any purpose whatever, and may issue a permit to any applicant to go thereon to perform work or otherwise encroach pursuant to this chapter. If the lawn is damaged or disturbed in the course of an authorized encroachment, it shall be removed and replaced by the permittee unless the permit specifically states otherwise. (Ord. 994, 5-26-1970)

8-3-23: MARKING OF STREETS, CURBS AND SIDEWALKS:

It shall be unlawful for any person, without first obtaining a permit, to solicit, on a commercial or donation basis, to place, or maintain any number, figure, letter, carving, drawing, design, or other marking upon any street, sidewalk, or curb; except that markings for the purpose of identifying survey, utility or construction locations shall not be subject to this chapter. (Ord. 994, 5-26-1970)

8-3-24: MONUMENTS:

Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines and/or elevation of any public street or right of way, property subdivision, or a precise survey point or reference point shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission from the city engineer to do so, said permission to be granted in conformance with requirements as set forth in specifications established by the city engineer. Replacement of removed or disturbed monument will be at the expense of the permittee. (Ord. 994, 5-26-1970)

8-3-25: CURBS; GUTTER CONSTRUCTION BY DRIVEWAY APPROACHES:

The city engineer shall have the power to require property owners to remove driveway approaches where they are an obstruction to the gutter and to reconstruct driveway approaches where drainage or other conditions are unsatisfactory.

Where a curb has been broken to provide a driveway to a residence or a business and such driveway is no longer needed or used as a driveway, the owner of the property or owner or operator of the business shall replace the curb and repair any damage done to the sidewalk by use of such driveway. Such work shall be done in conformity with the requirements for the construction of curbs and sidewalks of the city. (Ord. 994, 5-26-1970)

8-3-26: STREET SURFACES; HARMFUL SUBSTANCES:

It shall be unlawful for any person having in his possession any gasoline, kerosene, coal oil, benzine, distillate or other oil or liquid destructive or harmful to the street surface, to permit the same to drip upon the asphalt or bitumen surface of any street within the city. (Ord. 994, 5-26-1970)

8-3-27: APPEALS:

Any person aggrieved by the refusal of a permit required by this chapter may appeal to the council. Administration of this chapter is hereby referred to the city engineer of the city.

If the council finds all of the following to be true, the permit shall be granted:

(A) That the applicant will be substantially damaged by the refusal to grant the permit as requested.

(B) That no other reasonable method of obtaining the desired results is available except as proposed by applicant.

(C) That the granting of the permit will not be materially detrimental to the public interest, safety, health and welfare or injurious to other property. (Ord. 994, 5-26-1970)

8-3-28: HANGTOWN CREEK ENCROACHMENT:

The city council of the city does hereby adopt the following policy relative to the issuance of permits in

the Hangtown Creek area:

It is the policy of the city to allow reasonable private uses of Hangtown Creek to the end that the owners of properties adjacent thereto will be encouraged to upgrade their respective properties thereby promoting the health and safety of the community, and concurrently therewith beautifying the city itself.

However, no permits shall be issued in the Hangtown Creek area which will unreasonably interfere with the city's right to use and maintain the creek for drainage, sewer flows and other reasonable municipal public uses and rights.

The creek area is recognized as an asset to the city which needs to be kept open to the greatest extent possible. It is also recognized that increased improvement, usage and access to the creek area needs to be encouraged.

The city engineer shall be responsible for issuance of encroachment permits in accordance with this chapter. However, when an encroachment involves the construction or reconstruction of a structure in the Hangtown Creek area, site plan review shall be required as provided in section 10-4-9 of this code.

For the purposes of this section, "Hangtown Creek" is defined as the area designated "creek" on the official map and in the field notes of the official survey of said city, and now on file and of record in the office of the county recorder of the county of El Dorado, state of California. (Ord. 1329, 8-9-1983)

Chapter 4
WEEDS[1]

8-4-1: ACCUMULATION OF WEEDS PROHIBITED:

No property owner, lessee or occupant of property shall allow weeds, dry grass, rubbish, or other debris to grow or collect upon his property within thirty feet (30') of any fence, house, or building whether the fence, house or building is on his property or on adjacent properties, to such an extent that it is a fire hazard. Any accumulation of weeds, dry grass, rubbish, or other debris in violation of this section shall constitute a public nuisance. (Ord. 1380, 10-22-1985)

8-4-2: WEEDS; NUISANCE DECLARED:

If the fire chief determines that a fire hazard exists on any property in the city as a result of the growth of weeds, dry grass, or by the accumulation of debris or rubbish on the property within thirty feet (30') of any fence or building, he shall then post the property setting forth the fact that there is a fire hazard on the property and directing the property owner to eliminate the weeds, dry grass or debris within thirty feet (30') of any fence, house or building within fourteen (14) days from the date the notice is posted. (Ord. 1380, 10-22-1985)

8-4-3: ABATING NUISANCE:

In the event that the property owner does not appeal the determination of the fire chief that there is a fire hazard to the council and if the weeds, dry grass, rubbish, or other debris have not been eliminated as required in section 8-4-2 of this chapter, then the fire chief may enter upon the property to abate the

nuisance. Such removal shall be at the expense of the owner, lessee, or occupant. (Ord. 1380, 10-22-1985)

8-4-4: NOTICE TO REMOVE; DEFAULT; REMOVAL BY CITY; EXPENSES; LIENS; FORECLOSURES:

The expense of removing or destroying such a fire hazard by the city, as set forth in section 8-4-3 of this chapter, shall be a lien upon the real property on which such fire hazard is situated from the date of the removal or destruction by the city and shall be for the amount of the expense of such removal or destruction. In the event such amount is not paid in full within a period of six (6) months after such removal or destruction, the council may direct the city attorney to foreclose the lien by court action in the manner provided by law for the foreclosure of mortgages upon real estate. Upon obtaining the decree in the action of foreclosure, the real property shall be sold at a foreclosure sale in the same manner as sales by a sheriff upon execution. After deducting from the sales price all costs of the destruction or removal, together with all attorney fees, court costs, and expenses of sale, the balance remaining, if any, shall be refunded to the owner of such property. (Ord. 1380, 10-22-1985)

8-4-5: ALTERNATIVE PROCEDURE:

The procedures set forth in this chapter shall be an alternative method of removing or destroying objectionable obstructions and are not intended to deprive the city of the right to proceed to abate such conditions under any alternative methods that may be provided by law. (Ord. 1380, 10-22-1985)

8-4-6: APPEAL:

If the property owner is of the opinion that there is no fire hazard as the result of the accumulation of weeds, dry grass, rubbish, or other debris, he may then appeal the decision of the fire chief to the council within fourteen (14) days of the date the notice was posted. If an appeal has been filed, the council shall hear the appeal within thirty (30) days, and notice of the date of hearing shall be mailed to the property owner by the clerk at least five (5) days prior to the hearing of the appeal. (Ord. 1380, 10-22-1985)

8-4-7: HEARING:

At the hearing the council may by either motion or resolution rule either in favor of or against the appeal. In the event that the council denies the appeal then the property owner shall have five (5) days after the denial of the appeal to remove the weeds, dry grass, rubbish, or other debris and in the event that this is not done by the property owner within five (5) days, the fire chief may then enter upon the property to abate the nuisance. (Ord. 1380, 10-22-1985)

8-4-8: MAILING OF NOTICE:

A copy of any notice shall be mailed to the property owner at his address on the last assessment roll. (Ord. 1380, 10-22-1985)

Chapter 5
TREES AND SHRUBBERY

8-5-1: TREES TO BE TRIMMED:

Any owner or occupant of any real property shall trim all trees on property owned or occupied by him, overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel or conceal signs or road markers. (1962 Code)

8-5-2: HEDGES AND SHRUBBERY:

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the city. (1962 Code)

8-5-3: INJURY TO TREES AND/OR SHRUBBERY:

It is hereby declared unlawful for any person, not the owner thereof, or without lawful authority so to do, wilfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or on any public place or thoroughfare. (1962 Code)

8-5-4: REMOVAL AND REPLACEMENT OF CITY STREET TREES:

It is unlawful to remove a public street tree without lawful authority to do so. Street trees may be removed with justifiable cause, through a formal request and by the authority of the public services director. "City street trees" are defined as all trees designated to be the responsibility of the city within easements, rights of way or as established through maintenance agreements.

Justifiable cause may include, but is not limited to, the following: diseased trees, damaged/disfigured trees, trees which cause concern for public safety or a public nuisance, trees which are deemed to not meet the standards of the streetscape or are aesthetically deficient, trees which are deemed to adversely affect the economic vitality of the area, or other reasons deemed justifiable for the betterment of the city.

Tree replacement of public street trees shall be at the discretion of the city through the authority of the public services director. It is the intent of this section to require replacement of any removed city street tree, unless deemed inappropriate by the city. The variety and species of tree replacement shall be from an approved list on file with the city. The city reserves the right to require full compensation for replacement of trees. Appeals to the policies as set forth within this section may be appealed to the city council. (Ord. 1554, 2-23-1999)

Chapter 6
PUBLIC UTILITIES

8-6-1: DEFINITIONS:

Wherever used in this chapter, unless therein otherwise expressly provided, the following terms shall have the meanings herein ascribed to them:

OPERATION: The construction, installation, conduct or maintenance of any equipment, facilities, or improvements of any public utilities or the making of additions to or the repair, replacement, alteration or extension of any part thereof.

PUBLIC UTILITY: The utilities and persons operating same, as defined and used in sections 2, 2-1/4, 2-1/2 and 2-3/4 of the public utilities act of the state, as now in effect and shall also include bus lines. (Ord. 667, 3-21-1939)

8-6-2: POWERS OF COUNCIL TO GRANT FRANCHISES:

The general power of the council to grant franchises for the construction or operation of public utilities in, on, or over any of the public streets, ways, or other public property within the city shall be exercised in the manner provided by the constitution and statutes of the state. The council may, however, in such franchises, impose such other and additional conditions, provisions and regulations, whether governmental or contractual in character, as in its judgment are to the public interest, and which are not inconsistent with the constitution, the general laws, or statutes of the state, or of this chapter. (Ord. 667, 3-21-1939)

8-6-3: UTILITY FRANCHISE REQUIRED:

It shall be unlawful for any person to operate any public utility in, on or over any of the public streets, ways or other public property within the city without first having obtained from the council thereof a franchise therefor. (Ord. 667, 3-21-1939)

8-6-4: POLES AND CONDUITS:

Whenever in the operation or maintenance of any public utilities, whether under a franchise or otherwise, or whether under a constitutional or legislative grant, or whether under a franchise heretofore granted, the council shall have the power to direct where poles and overhead wires shall be used and where underground conduits shall be used; to direct the removal of poles and overhead wires, and the installation of underground conduits in their place; to designate the location and order the change of location of poles and guy wires, and the height of wires thereto attached, the type and size of poles, their replacement and the painting of same; to require a joint use of poles by two (2) or more persons where practicable; and, without charge, to use said poles for the affixing thereto of fire alarm boxes and police telephones, and alarms and the wires therefor when practicable; to require the installation of switches for the operation of fire alarms, police telephones and alarms and to regulate the installation and maintenance of all other equipment used for the disposition of electrical energy or used on the public streets, ways, alleys or property. (Ord. 667, 3-21-1939)

8-6-5: EXCAVATION FOR POLES; PERMIT:

It shall be unlawful for any person operating any public utility, whether under a franchise granted by the city, or under a so called constitutional or public grant franchise or otherwise, to excavate or lay in any street any pipe or conduit, or to excavate or install in any street any poles or wires, without first obtaining from the superintendent of streets a written permit therefor. (Ord. 667, 3-21-1939)

8-6-6: BACKFILL AND PAVEMENT:

Every person operating a public utility who shall disturb any pavement in the operation of same shall promptly replace the same and put it in as good condition as it was before disturbed. If the person shall fail to perform his duty hereunder, the city may do the work and the person shall pay the cost thereof. All backfill work shall be done in a good and workmanlike manner. All work shall be done in an expeditious manner, shall not block more than one-half ($^1/_2$) of any street, and proper barricades, danger signs and lights shall be maintained in connection therewith. All work shall be done and materials shall be furnished to the satisfaction and approval of the superintendent of streets. (Ord. 667, 3-21-1939)

8-6-7: GUARANTEE:

By the operation of any public utility, in, on or over any of the public streets, ways or other public property within the city, whether under a franchise granted by the city, or under a so called constitutional or public grant franchise, or otherwise, the person operating same shall be deemed to have guaranteed to save the city harmless from any and all damages or claims for damage to persons or property, and all costs and expenses in connection therewith, arising from the use of the public streets or ways and other public property within the city in connection with the operation of the public utility; and that he will remove and replace its facilities on public property made necessary by any change of grade, alignment or widening of any street or other public place, and that if he shall fail to perform his duty hereunder the city may perform the same and he will pay the cost thereof. (Ord. 667, 3-21-1939)

8-6-8: POLICE POWER:

The city hereby reserves the right to impose upon any person operating or who may hereafter operate any public utility, whether they now have or may hereafter obtain a franchise from the city therefor, or whether the operation is under a so called constitutional or public grant franchise, or otherwise, reasonable regulations for the preservation of the public peace, health, safety and general welfare. (Ord. 667, 3-21-1939)

8-6-9: AMENDMENT OF FRANCHISE:

Any franchise issued by the city may be amended by mutual consent in a manner not in conflict with this chapter, which amendment shall be expressed by ordinance.

All franchises hereafter granted shall be deemed to have expressly included the terms of this chapter, and the operation of all public utilities under any franchise shall be subject to the terms of this chapter. (Ord. 667, 3-21-1939)

Chapter 7
GRADING, EROSION AND SEDIMENT CONTROL

8-7-1: TITLE:

This chapter shall be known as the *GRADING ORDINANCE OF THE CITY OF PLACERVILLE.* (Ord. 1523, 4-11-1995)

8-7-2: PURPOSE:

This chapter is enacted for the purpose of regulating grading on private property within the incorporated area of the city to safeguard life, limb, health, property and public welfare; to avoid 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 city's general plan, any specific plans adopted thereto, and applicable ordinances including the zoning ordinance and the California building code. (Ord. 1642, 6-14-2011)

8-7-3: SCOPE:

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedures for issuance of permits; and provides for approval of plans and inspection of grading construction and all grading specific to single parcel site improvements, except single-family residence construction unless exceeding prescriptive standards as defined in the city's design and improvement standards manual. Where the grading or earthwork involves multiple parcels, parcel maps, subdivisions, land divisions, or roads the design and improvement standards manual shall be used for design purposes. (Ord. 1523, 4-11-1995)

8-7-4: DEFINITIONS:

Unless the particular provision or the context otherwise requires, wherever the following terms are used in this chapter, they shall have the meanings ascribed to them in this section:

AGRICULTURAL OPERATION: Any land related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purposes when conducted on agriculturally zoned lands and is not surface mining or borrow pit operations.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM): A membership society that is the foremost United States source of information on the specifications and testing of materials.

BEDROCK: The solid undisturbed rock in place either exposed at the ground surface or beneath superficial deposits of loose rock or soil.

BENCH: A relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

BORROW: Earth material acquired from an off site location for use in grading on a site.

CITY ENGINEER: The city engineer of the city, acting either directly or through his authorized deputies.

CIVIL ENGINEER: A professional engineer registered as a civil engineer by the state of California.

CIVIL ENGINEERING: The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.

COMPACTION: The increase of density of a soil or rock fill by mechanical means.

CUT: See definition of Excavation (Cut).

DEPTH OF CUT: The vertical dimension from the exposed cut surface to the original ground surface at the cut's deepest point, generally at the hinge point. Where the construction slope is steeper than three to one (3:1) the depth shall be measured from the top of the cut.

DEPTH OF FILL: The vertical dimension from the exposed fill surface to the original ground surface at the fill's deepest point, generally at the hinge point. Where the construction slope is steeper than three to one (3:1) the depth shall be measured from the toe of the slope.

EARTH MATERIAL: Any rock, natural soil or fill and/or any combination thereof.

EMBANKMENT (FILL): The deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom.

ENCROACHMENT PERMIT: A written permit issued by the engineering department authorizing certain work within a publicly maintained right of way.

ENGINEERING GEOLOGIST: A registered geologist certified as an engineering geologist by the state of California.

ENGINEERING GEOLOGY: The application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

ENVIRONMENTAL HEALTH SPECIALIST: A professional, registered as an environmental health specialist by the state of California.

EROSION: The wearing away of earth material as a result of the movement of wind, water or ice.

EXCAVATION (CUT): The removal of earth materials by mechanical means, and includes the conditions resulting therefrom. It excludes temporary stockpiles.

EXISTING GRADE: The elevation of the ground surface at a given point prior to excavating or filling.

EXPANSIVE SOIL: Any soil which exhibits significant expansive properties as determined by the procedures defined in the California building code.

FILL: See definition of Embankment (Fill).

FINISHED GRADE: The grade of the site after excavating or filling which conforms to the approved final grading plan. The finished grade is also the grade at the top of a paved surface (final grade).

GENERAL GRADING: The movement of earth for any purpose, including, but not limited to, earthwork

required to establish grade for construction projects (i.e., the preparation of a lot or parcel for a future building pad, or the placement of embankment or excavation of materials for improvement of the lot or parcel where no structure is planned, small earthen dams, access roads and driveways, etc.).

GEOLOGIC HAZARD: Any condition in naturally occurring earth materials which may endanger life, health or property.

GEOTECHNICAL ENGINEER: A 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: 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. Any civil engineer who is competent to do so may practice geotechnical engineering.

GRADE: The vertical location (elevation) of the ground surface, either natural or manmade.

GRADE, ROUGH: The stage at which the grade approximately conforms to the approved plan.

GRADING: Any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative ground cover.

GRADING PLAN: A plan prepared in accordance with this chapter showing grading and related work.

GRADING WORK: Grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.

INSPECTION: Checking or testing permit construction against established standards, rejecting materials and workmanship not in conformity with permit requirements and enforcing the provisions of the permit. For the geotechnical professional, inspection is equivalent to observation, evaluations, consultation and the documentation of conformity or nonconformity.

KEYWAY: A special excavation for placing of compacted fill slopes which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

LANDSCAPE ARCHITECT: A landscape architect registered by the state of California.

LOT: See definition of Parcel.

MASS PAD GRADING (MASS LOT GRADING): The grading of any lot or parcel more than the following percentage of surface area:

(A) Two thousand (2,000) square feet through five thousand nine hundred ninety nine (5,999) square feet, eighty percent (80%);

(B) Six thousand (6,000) square feet through nineteen thousand nine hundred ninety nine (19,999) square feet, sixty percent (60%);

(C) Twenty thousand (20,000) square feet through forty three thousand five hundred fifty nine (43,559) square feet, fifty percent (50%);

(D) One acre to two (2) acres, thirty percent (30%);

(E) Greater than two (2) acres, twenty percent (20%).

OWNER: 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): 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: An approved grading permit issued pursuant to this chapter authorizing certain grading work.

PERMITTEE: Any person to whom a permit is issued pursuant to this chapter.

PERSON: Any natural person, firm, corporation or public agency whether principal, agent, employee, or otherwise.

PRELIMINARY GRADING PLAN: 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: 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 15 to May 1, inclusive.

SEDIMENT: Any material transported or deposited by water, including soil debris or other foreign matter.

SITE: 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, except within city rights of way.

SLOPE: An inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

SOIL: 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.

SOIL CONSERVATION SERVICE: The United States department of agriculture soil conservation service acting as staff for the resource conservation district.

SOIL SCIENTIST: A professional soil scientist certified by the American registry of certified professionals in agronomy, crops and soils (ARCPACS).

TERRACE: A relatively level step constructed in the face of a graded slope surface for drainage, maintenance or other purposes.

VEHICULARWAY: Any public or private roadway or driveway designed for or used by vehicles (as defined by the California Vehicle Code).

WATERCOURSE: Any natural or manmade 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 stormwater runoff as shown on the city's one inch equals one hundred feet (1" = 100') topographic maps.

WORK: See definition of Grading Work. (Ord. 1523, 4-11-1995; amd. Ord. 1642, 6-14-2011)

8-7-5: GENERAL REQUIREMENTS; GRADING PERMIT REQUIRED:

Except for the specific exemptions listed hereinafter, no person shall do or permit to be done any grading on any site in the incorporated area of the city without a valid permit obtained from the city engineer. (Ord. 1523, 4-11-1995)

8-7-6: EXEMPTIONS:

The following grading may be done without obtaining a permit. Exemptions from the administrative requirement of obtaining a permit shall not be deemed as permission to violate any provision of this chapter, which includes among others the compliance with CEQA.

(A) Minor projects which have cut or fill slopes which are less than two feet (2') in vertical depth, and which include all of the following:

1. Less than fifty (50) cubic yards of graded material.

2. The removal, plowing under or burial of less than ten thousand (10,000) square feet of vegetation on slopes ten percent (10%) or steeper or any amount of vegetation on slopes flatter than ten percent (10%).

3. No unstable or erodible slopes are created.

4. No encroachment onto sewage disposal systems or areas is created.

5. Are not intended for support of a structure and having fills less than two feet (2') in depth.

6. Will not alter previously placed erosion control items or alter natural drainage courses.

(B) Grading done by or under the supervision or construction control of a public agency or utility that assumes full responsibility for the work to the extent required by law.

(C) Excavations in connection with a building, structure, or swimming pool authorized by a valid building permit provided that the prescriptive standards herein are met.

(D) Grading necessary for agricultural operations unless such grading will create a cut or fill whose failure could endanger any structure intended for human or animal occupancy or any public road, or could obstruct or increase the sediment in any watercourse or drainage conduit.

(E) Trenching, excavation, and grading incidental to the construction or installation of city approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for approved wells or post holes.

(F) Excavations for soil, geotechnical, geological, or environmental studies by engineers, geologists, environmental health specialists or soil scientists.

(G) Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan or sanitary landfill.

(H) Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.

(I) Routine cemetery excavations and fills.

(J) Performance of emergency work necessary to protect life or property when an urgent necessity therefor 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 therefor within ten (10) calendar days after commencing said work. (Ord. 1523, 4-11-1995)

8-7-7: GENERAL REQUIREMENTS FOR GRADING:

No person shall do or permit to be done any grading:

(A) 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.

(B) Prior to obtaining the required land use approvals (i.e., general plan amendment, zoning change, conditional use permit, and other applicable land use ordinances). (Ord. 1523, 4-11-1995)

8-7-8: WATER OBSTRUCTION:

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of stormwaters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainageways, 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. 1523, 4-11-1995)

8-7-9: 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 under the jurisdiction of the city or any other appropriate jurisdiction (county, utility district, etc.), without prior approval of the city engineer. (Ord. 1523, 4-11-1995)

8-7-10: 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, or other engineering data prior to and in connection with any corrective or proposed work or activity. (Ord. 1523, 4-11-1995)

8-7-11: ADMINISTRATION:

This chapter shall be administered for the city by the development services department. (Ord. 1523, 4-11-1995; amd. Ord. 1654, 6-25-2013)

8-7-12: APPLICATION PROCEDURE:

Applications for permits shall be filed with the development services department. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans 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 this chapter and may require additional information from the applicant before accepting the application as complete. (Ord. 1523, 4-11-1995; amd. Ord. 1654, 6-25-2013)

8-7-13: COMPLIANCE WITH CEQA:

The California environmental quality act (CEQA) may require the preparation of environmental documents concerning a proposed grading project. In such event, the city will function as the lead agency. The city engineer will advise the applicant as to any additional information required with the permit application. (Ord. 1523, 4-11-1995)

8-7-14: REFERRAL TO OTHER PUBLIC AGENCIES:

The city engineer may refer an application to other interested public agencies for their recommendations. (Ord. 1523, 4-11-1995)

8-7-15: PERMIT CONDITIONS:

(A) No permit shall be issued until the city engineer is satisfied that a proposed project conforms with the city general plan, any specific plans adopted thereto, and applicable ordinances including the zoning ordinance.

(B) Where a proposed grading project is part of the subdivision of land, no grading permit shall be issued prior to approval by the applicable planning authority.

(C) The permit shall be limited to work shown on the grading plans as approved by the city engineer. In issuing 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 as 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 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 seismic activity or flooding can be eliminated or adequately reduced. (Ord. 1523, 4-11-1995)

8-7-16: 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, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. (Ord. 1523, 4-11-1995)

8-7-17: LOCATION OF PROPERTY LINES:

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation or lis pendens has been filed, a survey by a licensed land surveyor or civil engineer, or resolution of title by a decision of the courts, all at the expense of the applicant, may be required by the city engineer prior to the application being approved or the grading operation resuming. (Ord. 1523, 4-11-1995)

8-7-18: 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 fifteen (15) days prior to the expiration of the permit. The city engineer may add additional time for the work.

(B) If all the permit work required is not completed within the time limit specified in subsection (A) of this section, 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 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. (Ord. 1523, 4-11-1995)

8-7-19: VALIDITY:

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations. (Ord. 1523, 4-11-1995)

8-7-20: APPEALS:

Appeals from decisions pursuant to this chapter shall be made to the city council in writing setting forth the specific grounds thereto within ten (10) working days from the date of such decision. (Ord. 1523, 4-11-1995)

8-7-21: APPLICATION, PLANS AND SPECIFICATIONS:

(A) Two (2) or more complete sets of plans, as determined by the city engineer, including, but not limited to, profiles, cross sections, topographic maps and specifications, and a legal description 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 application, the applicant may provide those items determined by the city engineer to be necessary to establish the scope of the grading project from the list required for preliminary grading plans. At the completion of an on site investigation, the city engineer shall determine if any additional preliminary grading plan items shall be required. Prior to the issuance of a grading permit, the applicant must furnish final grading plans. Preliminary grading plans or other acceptable substitutes contained in this section, 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 chapter.

(B) Single-family (if exceeding prescriptive standards), multi-family, commercial, and industrial grading plans shall be part of the building permit process to be reviewed by the engineering division as site improvements.

(C) For single-family residence grading, the engineering division shall conclude review, determining completeness of plan, within ten (10) working days of receipt of submittal by the engineering division or it shall be approved. For all other grading, including commercial, multi-family, industrial,

parcel and subdivision maps, the review shall be completed within thirty (30) working days of receipt of submittal by the engineering division or it shall be approved. If it is determined the plan requires revision, rechecks of the plan will be completed within ten (10) working days of receipt of the recheck submittal. (Ord. 1523, 4-11-1995)

8-7-22: 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", shall contain a statement of the purpose of the proposed grading, and shall include the following:

(A) On a map of appropriate scale, but not smaller than one inch equals fifty feet (1" = 50'), or as approved by the city engineer, and include all specifications:

1. A plan entitled "Preliminary Grading Plan" and the name and signature of preparer and date of preparation.

2. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area.

3. A site plan indicating the site of the work and any proposed divisions of land.

4. The complete site boundaries and locations of any easements and rights of way traversing and adjacent to the property, appropriately labeled and dimensioned.

5. The location of 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 on adjacent land within fifty feet (50') of the proposed work.

6. Location and nature of known or suspected soil or geologic hazard areas addressed in the soils or geologic report.

7. Contour lines of the existing terrain on a topographic map and proposed approximate finished grade at intervals not greater than two feet (2') vertically, or as approved by the city engineer, 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 feet (50') horizontally beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of one hundred feet (100') horizontally outside of any future road rights of way.

8. Approximate location of cut and fill lines and the limits of grading for all the proposed grading work, including borrow and stockpile areas.

9. Location, width, direction of flow and approximate location of tops and toes of banks of any watercourse.

10. Approximate boundaries of any areas with a history of flooding or wetlands and floodplains as shown on the national insurance rate map.

11. 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.

12. A conceptual plan for erosion and sediment control including both temporary facilities and long term site stabilization features such as drought resistant planting or seeding for the area affected by the proposed grading. This requirement may be waived by the city engineer for sites having no slopes greater than five percent (5%) unless the large size of the site, its proximity to sensitive areas or other conditions make an erosion or sediment discharge hazard possible.

13. North arrow and scale.

14. General location and character of vegetation covering the site. The approximate location of all trees which are healthy and have a circumference of twenty four inches (24") or greater measured twenty four inches (24") above the ground, or trees twenty feet (20') in height or greater. Indicate by marking with "X" those trees that are proposed to be removed.

(B) Typical cross sections (not less than 2) of all existing and proposed graded areas taken at intervals not exceeding two hundred feet (200') and at locations of maximum cuts and fills.

(C) An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.

(D) The estimated starting and completion dates of grading. (Ord. 1523, 4-11-1995)

8-7-23: 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 or specifications 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 was prepared.

(B) Project data including:

1. Owner name and address.

2. Assessor's parcel number.

3. Property deed reference.

(C) Accurate contour lines at intervals not greater than two feet (2') or as approved by the city engineer, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on site with an elevation established from a USGS datum point or as approved by the city engineer.

(D) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines.

(E) Cross sections, profiles, elevations, dimensions and construction details based on accurate field data.

(F) 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.

(G) Complete construction specifications, including estimate of progress schedule of work (actual progress schedule to be provided after the grading permit is issued prior to the beginning of construction).

(H) A detailed erosion and sediment control plan provided by September, including specific locations construction details, and supporting calculations for temporary and permanent sediment control structures and facilities if project is not to be completed by October 15.

(I) A landscaping plan, including temporary erosion control plantings, permanent drought resistant slope plantings, replacement of temporary ground cover, and irrigation facilities.

(J) An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage.

(K) The location of any borrow site or location for disposal of surplus material.

(L) A projected schedule of operations, including, as a minimum, the dates 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 drought resistant landscaping. If rough grading is proposed between October 15 and May 1, a more detailed schedule of grading activities and use of erosion and sediment control facilities shall be required. (Final schedule to be provided after the grading permit is issued prior to the beginning of construction.)

(M) Itemized cost estimate of the proposed grading and related work. (Ord. 1523, 4-11-1995)

8-7-24: 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 is minor in nature; 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 five hundred (1,500) cubic yards or more.

(B) An access road serving three (3) 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 any adjacent structure or property.

(E) The construction of any extensive drainage or sediment control structures, culverts, or facilities or alteration of any existing drainage course.

(F) The creation or aggravation of an unstable slope condition. (Ord. 1523, 4-11-1995)

8-7-25: MODIFICATION OF APPROVED PLANS:

(A) Modifications of an approved final plan shall be submitted to the city engineer for his written approval.

(B) All necessary soils and geological information and design details shall accompany any proposed modification.

(C) The modification shall be compatible with any subdivision map or land use requirements. (Ord. 1523, 4-11-1995)

8-7-26: 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. 1523, 4-11-1995)

8-7-27: DISTRIBUTION AND USE OF APPROVED PLANS:

Two (2) 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. A set of reproducible plans may be submitted at application for approval and appropriate number of sets distributed after copies made, but prior to beginning of grading. (Ord. 1523, 4-11-1995)

8-7-28: GENERAL PERMIT REQUIREMENTS:

The city engineer will issue a grading permit if final grading plans satisfy the provisions of this chapter or any 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. 1523, 4-11-1995)

8-7-29: FEES:

(A) The schedule of fees and costs shall be those established and accepted by the city council from time to time by resolution. Before a permit is issued, the applicant shall deposit cash or a check in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspection on other work and routine laboratory tests of materials and compaction, all in accordance with schedules established and adopted by the city council.

(B) The fee required of public agencies may be waived by the city.

(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 grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, a 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. (Ord. 1523, 4-11-1995)

8-7-30: GEOTECHNICAL STUDY REQUIRED:

A soil or geologic study report shall accompany the application in any of the following circumstances:

(A) When the proposed grading includes a cut or fill exceeding ten feet (10') in depth at any point; however, for vehicularways, a soil study shall not be required unless the grading includes a proposed cut or fill that exceeds ten feet (10') in depth and the slope of the natural ground exceeds thirty percent (30%).

(B) When 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. (Ord. 1523, 4-11-1995)

(D) As part of the building permit process per the California building code. (Ord. 1642, 6-14-2011)

8-7-31: STUDIES:

(A) Those portions of the soil or geologic study that constitutes "civil engineering" as defined by section 6734 of the Business And Professions Code of the state 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 shall be conducted by an engineering geologist.

(B) The study 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. (Ord. 1523, 4-11-1995)

8-7-32: REPORTS; GENERAL:

Any soil or geologic study 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. 1523, 4-11-1995)

8-7-33: SOIL/GEOLOGIC STUDY REPORT:

The soil or geologic study 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 data; and consequent evaluation regarding the nature, distribution and strength of existing soils.

(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 ground water or excessive moisture conditions.

(G) A description of the soil and geological study techniques employed.

(H) A log for each soil boring and test excavation 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.

(M) Recommendations for mitigation of geologic hazards. (Ord. 1523, 4-11-1995)

8-7-34: FINAL 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 any other pertinent information.

(C) Recommendations regarding foundation and roadway design, including soil bearing potential, and building restrictions or setbacks from the top or toe of slopes.

(D) A declaration by the geotechnical engineer or 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 or geologic study reports as approved and in accordance with the approved plans and specifications. (Ord. 1523, 4-11-1995)

8-7-35: CHANGED CONDITIONS:

Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic study reports or where such conditions warrant changes to the recommendations contained in the original soil studies, a revised soil or geologic report shall be submitted for the approval of the city engineer. (Ord. 1523, 4-11-1995)

8-7-36: SPECIAL INSPECTION:

(A) As a condition of the permit, the city engineer may require the permittee to provide, at permittee's expense, a geotechnical engineer or civil engineer competent to do so to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work and 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 (5') in depth on slopes which exceed ten percent (10%) and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten feet (10') 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 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 geotechnical engineer or civil engineer competent to do so for inspections shall not preclude the city engineer from conducting inspections using his other authorized inspectors as may be necessary. (Ord. 1523, 4-11-1995)

8-7-37: NONCOMPLIANCE NOTIFICATION BY 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 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 nonconformity 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 for approval. (Ord. 1523, 4-11-1995)

8-7-38: 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 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. 1523, 4-11-1995)

8-7-39: PROGRESS REPORT BY PERMITTEE:

Periodic progress reports, subject to verification by the city engineer, 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 date of operations upon which such reports are required and their content shall be as required by the city engineer in the permit. (Ord. 1523, 4-11-1995)

8-7-40: SUBMIT AS BUILT PLANS:

Permittee, subject to verification by the city engineer, shall submit to the city engineer an as built grading plan following completion of grading operations. As built plans shall show any significant deviations from the final plans. (Ord. 1523, 4-11-1995)

8-7-41: PERFORMANCE OF WORK; INSPECTION:

The city engineer may inspect any work done pursuant to a permit under this chapter. 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 and he has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit. 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 pursuant to subsections herein. (Ord. 1523, 4-11-1995)

8-7-42: OTHER RESPONSIBILITIES OF PERMITTEE:

The permittee shall also be responsible for the following:

(A) Protection Of Existing Utilities: The permittee shall be responsible for the prevention of damage to any existing 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, without supporting and protecting such property from damage which might result.

(C) Advance Notice: The permittee shall construction stake and notify the city engineer at least forty eight (48) hours prior to the start of work.

(D) Erosion And Sediment Control: It shall be the responsibility of the permittee to prevent discharge of 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. Permittee shall implement all measures necessary to discharge this responsibility even if such measures exceed the requirements of an approved erosion and sediment control plan prepared pursuant to this chapter. (Ord. 1523, 4-11-1995)

8-7-43: 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. 1523, 4-11-1995)

8-7-44: DESIGN AND REVIEW FOR MASS PAD GRADING:

(A) Due to the severe terrain encountered in the city, grading may be required to ensure proper vertical alignment of building sites to streets and to provide for proper drainage. The degree of grading should be tempered to fit the physical characteristics of the site being considered. It is the intent of this provision that all grading shall reflect, to the greatest extent possible, the natural gradient and contours of the site. Grading shall be designed to minimize the appearance of extensive, artificial banks or terraces which may be visible from public streets or other public views. The design standards shall be identified in the design and improvement standards manual.

(B) Parcel maps shall be reviewed for mass pad grading during the tentative parcel map review process by the engineering division under the authority of the city engineer.

(C) Tentative subdivision, commercial, industrial, multi-family, and general grading projects shall be reviewed for mass pad grading during the site plan review or tentative map review process by the planning commission, engineering division, and building division for conformance at site improvements, under the authority of the city engineer.

(D) Mass pad grading for single-family dwellings (if prescriptive standards are exceeded) will be reviewed by the engineering division and building division during the building permit process.

(E) If the decision by the city engineer is not acceptable to the applicant, then the applicant can appeal the decision pursuant to section 8-7-20, "Appeals", of this chapter. (Ord. 1523, 4-11-1995)

8-7-45: EXCAVATION:

Excavations shall be constructed or protected so that they do not endanger life or property. (Ord. 1523, 4-11-1995)

8-7-46: EXCAVATION SLOPE:

The slope of cut surfaces of permanent excavations shall not be steeper than two (2) 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 studies contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (Ord. 1523, 4-11-1995)

8-7-47: FILL PLACEMENT:

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight inches (8"). 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 twelve inches (12"). The placement of larger rock may be permitted when the geotechnical engineer or civil engineer competent to do so properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

(A) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

(B) Rock sizes greater than twelve inches (12") in maximum dimension shall be two feet (2') or more below finish grade, measured vertically.

(C) Rocks shall be placed so as to assure filling of all voids with fines. (Ord. 1523, 4-11-1995)

8-7-48: FILL COMPACTION:

All fills shall be compacted throughout their full extent to a minimum of ninety percent (90%) of maximum density as determined by appropriate ASTM standard methods 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 (2') 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 (1') 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 foot (10') 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 percent (90%) of maximum density, as determined by the above test, within six inches (6") 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 (6) 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. 1523, 4-11-1995)

8-7-49: GROUND PREPARATION FOR FILL PLACEMENT:

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and other unsuitable material, and where slopes are five (5) 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 feet (10') wide. (Ord. 1523, 4-11-1995)

8-7-50: FILL SLOPES:

The slope of permanent fills shall not be steeper than two (2) horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes will be permitted in competent material provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The city engineer may require that the fill be constructed with an exposed surface flatter than two (2) horizontal to one vertical or may require such other measures as he deems necessary for stability and safety. (Ord. 1523, 4-11-1995)

8-7-51: SLOPE FENCING:

All cut and fill slopes exceeding eight feet (8') in height with a slope of one and one-half ($1^1/_2$) horizontal to one vertical or steeper may be fenced at the top of the cut with the need for fencing subject to final determination of safety by the building official. The minimum fence height shall be four feet (4'), the maximum opening shall be six inches (6") square, decision to be approved by the building official or, in the case of a discretionary project, the planning commission. The fence shall be capable of supporting a lateral uniform load of thirty (30) pounds per linear foot at the top of the fence together with a concentrated lateral load of two hundred (200) pounds at any point. (Ord. 1523, 4-11-1995)

8-7-52: ADJACENT STRUCTURES PROTECTION:

Footings which may be affected by any 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 of the Civil Code of the state. (Ord. 1523, 4-11-1995)

8-7-53: SETBACKS:

(A) General: Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(B) Top Of Cut Slope: The top of cut slopes shall be made not nearer to a site boundary line than one-fifth ($^1/_5$) of the vertical height of cut with a minimum of two feet (2') and a maximum of ten feet (10'). The setback may need to be increased for any required interceptor drains.

(C) Toe Of Fill Slope: The toe of fill slope shall be made not nearer to the site boundary line than one-half ($^1/_2$) the height of the slope with a minimum of two feet (2') and a maximum of twenty feet (20'). Where a fill slope is to be located near the site boundary and the adjacent off site property is developed, special precautions shall be incorporated in the work as the city engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

1. Additional setbacks.

2. Provision for retaining or slough walls.

3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.

4. Provisions for the control of surface waters. (Ord. 1523, 4-11-1995)

8-7-54: DRAINAGE; GENERAL:

The drainage structures and devices required by this chapter shall be designed and constructed in accordance with standards herein and criteria authorized by the city engineer. (Ord. 1523, 4-11-1995)

8-7-55: DRAINAGE; DISPOSAL REQUIREMENTS:

All drainage facilities shall be designed to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse or other juncture, and shall be subject to the approval of the city engineer. Drainage areas shall conform to patterns established by the city engineer. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

Building pads shall have a drainage gradient of two percent (2%) toward approved drainage facilities, unless waived by the city engineer.

(A) Exception: The gradient from the building pad may be one percent (1%) if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten feet (10') in maximum depth.

2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet (10').

3. No existing slope faces, which have a slope face steeper than ten (10) horizontally to one vertically, have a vertical height in excess of ten feet (10'). (Ord. 1523, 4-11-1995)

8-7-56: DRAINAGE; WATER ACCUMULATION:

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected 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. 1523, 4-11-1995)

8-7-57: 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 cause erosion or endanger any cut or fill slope or any building or structure. A grading and drainage plan shall be required which includes the analysis of the effect of the discharge. (Ord. 1523, 4-11-1995)

8-7-58: DRAINAGE CONTROL:

(A) Terraces: Terraces at least eight feet (8') in width shall be established at not more than twenty five feet (25') in height intervals for all cut and fill slopes exceeding thirty feet (30') in height. Where only one terrace is required, it shall be a 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 have a minimum depth of one foot (1'), a minimum longitudinal grade of four percent (4%), a maximum longitudinal grade of twelve percent (12%). Down drains or drainage outlets shall be provided at approximately three hundred foot (300') intervals along the drainage terrace.

(B) Interceptor Drains: Surface lined interceptor drains shall be provided above all cut slopes if the tributary drainage area above the cut slopes toward the cut and has a drainage path greater than forty feet (40') measured horizontally. Interceptor drains shall have a minimum of three inches (3") of concrete or gunite and be reinforced. They shall have a minimum depth of twelve inches (12") and a minimum width of thirty inches (30") measured horizontally across the drain. Actual sizes of the drains shall be verified by calculations prepared by a registered civil engineer or as approved by the city engineer.

(C) Omission Or Modification: Terraces or interceptor drains may be omitted or modified provided such is in accordance with the recommendations contained in an engineering report addressing the drainage, written by a registered civil engineer or registered geotechnical engineer competent to do so.

(D) Down Drains And Drainage Outlets: Down drains and drainage outlets for terraces and interceptor drains shall be of approved construction and materials and shall be 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. 1523, 4-11-1995)

8-7-59: SUBSURFACE DRAINAGE:

Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability. (Ord. 1523, 4-11-1995)

8-7-60: 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 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) Wherever possible, natural features, including vegetation, trees, terrain, watercourses, wetlands and similar resources shall be preserved. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment. Wetlands and trees shall be protected from construction activity as described in the design and improvement standards manual.

(E) Permanent drought resistant 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 of which the 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 such materials if this occurs. (Ord. 1523, 4-11-1995)

8-7-61: EMERGENCY CONDITIONS:

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control 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 according to the provisions herein. (Ord. 1523, 4-11-1995)

8-7-62: 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 greater than ten percent (10%).

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 feet (20') of any watercourse or within the 50-year floodplain.

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 May 1 and October 15 shall be planted by November 1, or at the recommendation of the soil conservation service. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is unfeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds two thousand five hundred (2,500) square feet, 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 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 any 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 material 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 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 on grading sites. These standards and specifications shall be in general compliance with the "Erosion And Sediment Control Guidelines

For Developing Areas Of The Sierras", published by High Sierra Resource Conservation and Development Council. (Ord. 1523, 4-11-1995)

8-7-63: VEHICULAR WAYS; GENERAL:

Vehicular ways shall conform to the grading requirements of this chapter. (Ord. 1523, 4-11-1995)

8-7-64: 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 approved by the city engineer or his designee and shall be designed by a registered civil engineer to ensure structural and hydraulic adequacy. (Ord. 1523, 4-11-1995)

8-7-65: SECURITY REQUIRED:

(A) Security May Be Condition Of Permit: 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. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state. Public agencies are exempted from this provision by law.

(B) Subdivisions: In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work and subdivision improvements have been accepted as being complete by the city engineer.

(C) Projects Other Than Subdivisions: 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 as being complete by the city engineer.

(D) Maintenance Security: 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 of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state and shall remain in effect for a period of one year after the date of expiration of the improvement security as designated in subsections (B) and (C) of this section.

(E) Payable To City: Any bond or deposit required by the city engineer pursuant to this chapter shall be payable to the city.

(F) Refunds: Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits or bonds 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 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 administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the city of the cost of the work.

(G) Insurance: The engineer may require the applicant or his contractor to provide a liability insurance policy insuring the city, its officers and employees against liability for any occurrences resulting from bodily injuries or property damage in connection with this project or claimed to be in connection with this project, which insurance policy shall be in the amount of one million dollars ($1,000,000.00) for bodily injury and five hundred thousand dollars ($500,000.00) for property damage. Applicant shall provide the city with a certificate of the insurance company showing that the city and all its officers and employees are insured against such liability, which certificate shall provide further that the insurance company must give to the city, through the city engineer's office, at least thirty (30) days' written notice prior to termination or cancellation of said policy for any reason whatsoever.

Said certificate shall be provided before starting work and shall remain in effect for a period of one year after completion of work. (Ord. 1523, 4-11-1995)

8-7-66: ENFORCEMENT, SUSPENSION AND REVOCATION OF PERMIT:

The city engineer may suspend or revoke a permit for good cause, subject to appeal to the city council. However, no work shall be performed pending appeal except as authorized by the city engineer. (Ord. 1523, 4-11-1995)

8-7-67: CORRECTIVE WORK:

(A) Abatement Of Unlawfully Created Conditions:

1. Either the city council or the city engineer may order city crews or authorize contractors to enter private property to immediately abate a hazardous public nuisance.

   Whenever the following conditions are created by violation of the chapter, they are thereby declared to be in the category of hazardous public nuisance:

   (a) Where a violation has altered natural drainage patterns and has caused flooding to any downstream property; or

   (b) 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

   (c) Whenever a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety or welfare.

2. 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 El Dorado County recorder. The following costs shall be billed:

(a) Engineering And Design: Professional and specialized services (private or city).

(b) Construction: Contractor's invoices or city's force account cost.

(c) Administration And Supervision Overhead: Thirty percent (30%) of any city costs incurred in subsections (A)2(a) and (A)2(b) of this section.

(d) Interest On Unpaid Amounts: Interest shall accrue and be billed at the rate of ten percent (10%) per annum on all unpaid amounts from the date of billing.

(B) Stop Work Notice:

1. Whenever it comes to the attention of the city engineer that any person is performing work in violation of the provisions of this chapter or without a permit as required by this chapter, the 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:

(a) Stop work immediately; and

(b) 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 chapter; and

(c) 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 chapter.

(d) Upon failure of any person to comply with the stop work notice served pursuant to this section, the city may perform corrective work either with city crews 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.

(e) 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.

(C) Notice Of Noncompliance: In those cases where there has been a failure to secure the required permit or permits, the city engineer acting thirty (30) days after attempting to notify the owner of the property, by certified mail, of the requirement of permits, shall record a notice of noncompliance with the county recorder. The notice shall identify the property and set forth the fact that the grading does not have the required permit or permits and is in violation of city codes and that the owner has been so notified. This shall be done in addition to any other legal remedy that the city may employ.

When a grading permit has been obtained for the work, the city engineer shall record with the county recorder and provide to the property owner of record a notice of cancellation certifying that a permit has been issued and that the notice of noncompliance has been rescinded. This shall be done at the permittee's expense. (Ord. 1523, 4-11-1995)

8-7-68: MISDEMEANOR VIOLATION:

Notwithstanding any other provisions of this code, any person violating any provision of this chapter shall be guilty of an infraction and punishable pursuant to subsection 1-4-5(B) of this code. Second and

subsequent offenses are misdemeanors and shall be punishable as provided in California Penal Code section 19. Each day that such violation continues shall constitute a separate offense punishable as set forth above. (Ord. 1578, 8-28-2001)

8-7-69: NONEXCLUSIVE REMEDIES:

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law. (Ord. 1523, 4-11-1995)

8-7-70: ENFORCEMENT OFFICIAL:

The city engineer or his designee shall enforce the provisions of this chapter. (Ord. 1523, 4-11-1995)

8-7-71: RIGHT OF ENTRY:

Whenever necessary to enforce the provisions of this chapter, the city engineer or his designee 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 shall have recourse to every remedy provided by law to secure entry. (Ord. 1523, 4-11-1995)

8-7-72: STOP WORK ORDERS:

Whenever any work is being done contrary to the provisions of this chapter or any other applicable law, ordinance, rule or regulation, the city engineer 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 a misdemeanor. (Ord. 1523, 4-11-1995)

8-7-73: LIABILITY:

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions created in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability against the city for damage to any person or property. (Ord. 1523, 4-11-1995)

8-7-74: DENIAL OF OTHER PERMITS AND INSPECTIONS:

No building permit, water, sewer, electrical permit, or any other permits or inspections of existing permits 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. 1523, 4-11-1995)

8-7-75: 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 hereof 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. 1523, 4-11-1995)

Chapter 8
CONDUCT ON PUBLIC PROPERTY

8-8-1: DEFINITION:

For the purpose of this chapter, the words "public property" shall mean any publicly owned property within the city, except the traveled portion of public streets, and shall include any park, sidewalk, curb, or any part of any public right of way devoted to any planting. (Ord. 997, 8-11-1970)

8-8-2: UNLAWFUL ACTS:

It shall be unlawful for any person to perform or participate in any of the following acts:

(A) Acts Involving Buildings And Other Property:

1. To wilfully mark, deface, disfigure, injure, tamper with, displace, or remove any railing, bench, or any facilities or property and equipment of any public utility or parts or appurtenances thereof, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenances whatever, either real or personal.

2. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord, or wire into, upon, or across any public property, except on special permit issued pursuant to a city ordinance, resolution, or regulation.

3. Urinate or defecate, except in a public restroom.

(B) Acts Involving Trees, Shrubbery, And Plants:

1. Without a city permit, to damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area.

2. Climb any tree, or walk, stand or sit upon monuments, vases, fountains, railings, fences, planted areas, or upon any other property not designed or customarily used for such purposes, or to sit

on any sidewalks or steps, or to lie or sit on any lawns which are posted with a sign prohibiting this use on the lawn area.

(C) Litter Regulations:

1. It shall be unlawful for any person to dump or deposit upon any highway, freeway, alley, street, off street parking lot, whether it be public or privately owned, park, playground, or any public place in the city, any glass, bottle, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal, or vehicle.

2. It shall be unlawful for any person to place, deposit, or dump any garbage, swill, cans, bottles, papers, ashes, refuse, the carcass of any dead animal, offal, trash, or rubbish, or any noisome, nauseous or offensive matter in or upon any highway, freeway, alley, street, off street parking lot, park, playground, or any public place in the city. (Ord. 997, 8-11-1970)

8-8-3: SLEEPING ON PUBLIC PROPERTY:

It shall be unlawful for any person to sleep on any public sidewalks, curbs, planters, walls, or to engage in any loud, boisterous, threatening, abusive, insulting, or indecent language; or to block pedestrian traffic on the sidewalk or other public walks, ways, or footpaths devoted to pedestrian use; or to engage in any disorderly conduct or behavior. (Ord. 997, 8-11-1970)

8-8-4: LICENSE TO SELL:

It shall be unlawful to expose or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale, or display of any such article or thing without first obtaining a license therefor. (Ord. 997, 8-11-1970)

8-8-5: ADVERTISING IN PUBLIC PARK:

While in a public park it shall be unlawful to announce, advertise, or call the public attention in any way to any article or service for sale or hire. (Ord. 997, 8-11-1970)

8-8-6: POSTING OF SIGNS:

It shall be unlawful to paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, or to erect or cause to be erected any sign whatsoever on any public property, public land or highway or road unless a permit has first been obtained pursuant to an ordinance, resolution or other regulation of the city. (Ord. 997, 8-11-1970)

8-8-7: PROFANE LANGUAGE:

It shall be unlawful for any person within the city to utter or use within the hearing of one or more persons any profane or vulgar language, words, epithets, or expressions having a tendency to incite or create a breach of the peace. (Ord. 997, 8-11-1970)

8-8-8: SLEEPING IN PARKED VEHICLE:

It shall be unlawful for any person to sleep in any vehicle parked on the public street, alley, way or parking area, or any privately owned parking area used for the parking of any customers or any business enterprise in the city between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. on any day. A "vehicle", for the purpose of this section, shall be as defined by section 670 of the Vehicle Code of the state of California as it now exists. (Ord. 997, 8-11-1970)

8-8-9: OBSTRUCTING ENTRANCES PROHIBITED:

No person shall block, impede or obstruct any public place or any entrance, exit, or approach to any place of business in or upon any public place in a manner calculated or with the intent to prevent, delay, hinder, or interfere with the free passage therealong or therethrough of any person who is entering, occupying, or leaving any such place of business, or who is performing any services or labor, or who is seeking or obtaining employment, or who is purchasing, selling, using, delivering, transporting or receiving any goods, wares, merchandise, services, entertainment, accommodations or articles, or who is attempting or seeking to do any of the foregoing, or to prevent, delay, hinder or interfere with the free passage therealong or therethrough of any vehicle or conveyance operated by or in the custody of any such other person or in which any such other person is riding or attempting to ride. (Ord. 1356)

8-8-10: PENALTY:

Violation of section 8-8-9 of this chapter shall be a misdemeanor with penalties as set forth in section 1-4-5 of this code. (Ord. 1356)

8-8-11: CITY CEMETERY REGULATIONS:

(A) City cemeteries, specifically Old City cemetery and Uppertown cemetery, shall be closed at dusk unless special permission has been given by the director of public services of the city to have a cemetery remain open after dusk for some special reason.

It shall be unlawful for any person to be present on the premises of any city cemetery after the same has been closed as set forth herein.

(B) No person shall possess or consume any alcoholic beverage in or upon city cemetery property. (Ord. 1569, 12-12-2000)

Chapter 9
STREET IMPROVEMENT

8-9-1: PURPOSE:

The purpose of this chapter is to ensure streets and highways of minimum standard for safe and convenient vehicular and pedestrian access and travel. As a result of growth, existing streets and highways have been rendered inadequate. This chapter is intended to define the requirements, policies and procedures for the construction of street improvements and acquisition of public rights of way in order to ensure conformity to existing zoning and subdivision legislation by extending basic requirements where no subdivision is involved. By virtue of this chapter, the cost required for public improvements will be equitably borne by the abutting property owners. Ultimately the purpose is to assure the protection of public safety and general welfare. (Ord. 1056, 3-26-1974)

8-9-2: INTENT:

Compliance with the requirements provided herein is not intended to relieve any further and additional obligations with respect to streets imposed by reason of other regulations of the city or as may be provided for by agreement with the city. (Ord. 1056, 3-26-1974)

8-9-3: CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS AND PAVING REQUIRED; PERMIT APPLICATION:

Except as otherwise provided herein, any person constructing, adding to, or arranging for the construction of, or addition to any off street parking facilities, or any building in the city of Placerville, the result of which effects an increase in the density of use of the property or effects an increase of the traffic generation on the street in question, shall also provide for the construction of curbs, gutters, sidewalks, and street paving to meet the existing street pavement, in accordance with city of Placerville standard specifications and design along all public street frontage adjoining the property upon which such work is to be done, unless curbs, gutters, sidewalks and paving constructed in accordance with city standards and design therefor already exist.

A permit for such work shall be applied for in accordance with and subject to the provisions of title 8, chapter 3 of this code, in addition to the special provisions herein provided, or any other regulation of the city of Placerville governing the issuance of a permit. Said permit shall be issued, or a variance as provided in section 8-9-4 of this chapter shall be granted, prior to or in conjunction with the issuance of any building permits or other permits for said property. (Ord. 1056, 3-26-1974)

8-9-4: VARIANCE FROM CONSTRUCTION REQUIREMENTS:

A variance from the application of section 8-9-5 of this chapter in requiring street improvements to be installed in conjunction with improvements to the abutting property may be granted under the following circumstances. (Ord. 1134, 11-22-1977)

(A) Where the city engineer finds and determines the area drainage facilities are inadequate and that the installation of all or a portion of the required public improvements would endanger the public welfare by reason thereof; or

(B) Where said city engineer determines that it would be in the best interests of the city to cause all or a portion of the required work to be done on an area project basis rather than on an individual basis; or (Ord. 1056, 3-26-1974)

(C) Where the city manager finds and determines that such requirements, as applied to an individual property, by reason of exceptional or extraordinary situation or condition of said property, or the location thereof, or of the use or development of property in the immediate vicinity of said property, will involve practical difficulties or would cause undue hardship, unnecessary to carry out the purposes and spirit of this portion of this chapter. (Ord. 1056, 3-26-1974; amd. Ord. 1080, 2-10-1976)

Such variance shall not be granted nor become effective unless and until an agreement between the property owner and the city of Placerville is properly executed, agreeing that the property owner will undertake the construction of the required improvements as required by these regulations within ninety (90) days after notice to begin construction of said improvements is sent by the city to the property owner. Notice to begin the construction of said improvements shall not be sent until the city council has first determined that such improvements are needed. Said agreement shall further provide that in the event of default in undertaking and completing the required improvements within the time specified, the city may cause such work to be done and the cost thereof to be assessed as a lien against the property. Such agreement shall recite that it creates a covenant running with the land and shall be recorded in order to constitute notice to any prospective buyers or encumbrancers. The city manager is hereby authorized to execute such an agreement for and on behalf of the city. (Ord. 1134, 11-22-1977)

8-9-5: REQUIRED IMPROVEMENTS AND GRANT OF RIGHT OF WAY EASEMENTS:

Required improvements and grants of right of way easements for all streets, whether public or private, in the city of Placerville shall be as follows: (Ord. 1134, 11-22-1977)

(A) Curb, gutter and sidewalk requirements shall be the same as contained in title 10, chapter 8 of this code. (Ord. 1162, 8-8-1978)

(B) The property owner upon whose property the building is to be constructed or located shall make an offer of dedication to the city of all required easements and rights of way for the installation of streets, utilities, and public service facilities. The offer of dedication shall be accepted, accepted subject to improvements, or rejected in the same manner as outlined in section 10-8-32 of this code. The width of the rights of way shall be the same as are set forth in title 10, chapter 7 of this code. (Ord. 1607, 1-10-2006)

(C) The width of paving and the standards for paving shall be the same as are required for streets in title 10, chapter 7 of this code.

(D) Wherever the property to be developed abuts an existing street and by virtue of the provisions of this chapter, the developer has an obligation for installation of paving, such paving shall tie in to the paving of the existing right of way, irrespective of the fact that the right of way area adjoining the curb and gutter may remain unpaved.

(E) Said construction shall comply with the encroachment ordinance, the zoning ordinance, and any other regulations established by the city council of the city of Placerville. (Ord. 1134, 11-22-1977)

8-9-6: IMPROVEMENTS TO EXISTING BUILDINGS:

Except as may be otherwise provided in this chapter or by any other applicable law, additions to any existing building(s) or the construction of new buildings which are more than two hundred (200) square feet, or the construction of a new private garage or more than four hundred (400) square feet within a five (5) year period, shall also provide for the construction of curbs, gutters, sidewalks and street paving to meet the existing street pavement in accordance with the obligations of property developers generally, as more specifically set forth in the preceding section of this chapter, unless curbs, gutters, sidewalks and paving constructed in accordance with the standards therefor as aforesaid already exist. (Ord. 1174, 10-17-1978)

8-9-7: ISSUANCE OF PERMITS:

Prior to the issuance of any building permit, applicant shall comply with all the provisions of section 8-9-5 of this chapter. (Ord. 1056, 3-26-1974)

8-9-8: EXCEPTIONS TO CURBS, GUTTERS, SIDEWALKS AND PAVING REQUIREMENTS:

The construction requirements hereof shall not apply to any of the following circumstances:

(A) The subdividing or resubdividing of land insofar as the same is regulated by the subdivision map act of the state of California and city of Placerville regulations therefor, excepting parcel maps.

(B) Where the required public improvements are to be installed by proceedings conducted pursuant to the state of California assessment district acts, where such proceedings have gone beyond the protest state and a hearing has been held where the governing body has found that there have been insufficient protests. (Ord. 1056, 3-26-1974)

8-9-9: BUILDING OFFICIAL; DUTIES OF FINAL INSPECTION:

The building official shall deny final approval and acceptance, and shall refuse to allow final public utility connections, to any building or structure, unless curbs, gutters, sidewalks and paving as may be required herein, exist or are constructed and accepted by the city. (Ord. 1056, 2-36-1974)

8-9-10: APPEAL TO CITY COUNCIL:

The city council shall have the jurisdiction to hear and decide appeals where it is alleged by the appellant there is error in any order, requirement, permit, or determination made by any city official within thirty (30) days after notice of the findings of the city engineer and the city manager. An appeal to the city council may be taken by the owner or person aggrieved by the decision of said officials. Such appeal shall be taken within the time specified by filing with the city clerk a copy of notice of appeal specifying the grounds of said appeal and paying the sum of fifty dollars ($50.00), which shall not be refundable. Upon receipt of a notice of appeal, the city clerk shall give written notice of time and place

of hearing for such appeal to appellant and to any other persons requesting such notice who have deposited with the city clerk a self-addressed, stamped envelope to be used for such purpose. All appeals shall be heard by the city council within thirty (30) days of the notice of appeal. (Ord. 1174, 10-17-1978)

8-9-11: CIVIL ACTION:

The violation of any of the provisions of this chapter shall also be deemed a nuisance, civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the appropriate legal officers of the city of Placerville upon complaint of the city engineer. The remedies herein provided shall be cumulative and in addition to any other remedy available to the city in either law or equity. (Ord. 1056, 3-26-1974)

8-9-12: CITATION OF ORDINANCE:

This chapter may be referred to and cited as the *CITY OF PLACERVILLE STREET IMPROVEMENT ORDINANCE*. (Ord. 1056, 3-26-1974)

8-9-13: STREET SYSTEM EXTENSIONS; REIMBURSEMENT:

(A) Persons other than the city may desire to alter and/or extend the city's street facilities for the purpose of making these facilities available to properties lying beyond existing facilities or the expansion of the existing facilities to handle additional traffic volumes beneficial to other properties within the area. Persons desiring to extend or expand street facilities must make application with the city engineer of the city requesting that these facilities be extended. Plans and specifications shall be filed with the city engineer setting forth the manner in which these facilities are to be extended. The street facility may be extended or enlarged by the applicant in the event that the city engineer approves the application, together with plans and specifications.

(B) In the event that the city engineer determines that properties other than the property being developed by the person constructing the street facilities benefit from the construction, the city may enter into an appropriate reimbursement agreement with persons constructing the street facilities. Said agreement shall provide that the city shall, but without liability therefor, endeavor to collect by way of encroachment charges, building permits, etc., the reimbursement to such initial developer so much of the construction costs of said street facilities as may be practically collected from the property owners on the basis of the extent to which said new street facility shall benefit their respective properties.

(C) Each reimbursement agreement with said persons shall be authorized by the city council in the same manner as other contracts. The reimbursement agreement and the rights therein granted shall be assigned by persons constructing said street facilities in the first instance.

(D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement and the city shall thereafter retain any fees charged for connection to the system.

(E) The area to be benefited shall be determined by the city engineer and a map designating the area to be benefited shall be attached to all reimbursements contracts.

(F) Determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the city engineer and the appropriate allocation of construction costs shall be based upon the benefits to be derived from each parcel of property. The determination of benefit and allocation of cost by the city engineer shall be final and conclusive.

(G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans, specifications, and inspection of such work.

(H) All charges to be made pursuant to this section shall be in addition to any development fees or encroachment fees required by this code.

(I) The developer or applicant shall pay all the incidental costs of constructing an extension or addition to the city street system as set forth pursuant to this section. The parties within the area that will benefit from the extension or addition of the street improvements shall pay their proportionate share of the cost at such time as their application to encroach onto the city street is applied for or as part of the payment of any required development fees. (Ord. 1426, 9-9-1987)

8-9-14: CITY STREET SYSTEM EXTENSION IMPROVEMENTS; REIMBURSEMENT:

(A) Improvements: The city may desire to alter, expand or extend a city street facility for the purpose of making these facilities available to properties which lie beyond existing facilities or to expand existing facilities to handle additional traffic volumes beneficial to other properties within the area. The city engineer shall prepare or have prepared, plans and specifications for said improvements.

(B) Determination If Area To Benefit: When such street improvements are constructed by the city, the city engineer shall determine the area and the specific parcels of property which will benefit from such improvements, and shall prepare a map designating the area to benefit.

(C) Basis For Determination Of Benefits: The determination of benefits may be based either on area or frontage foot charges, whichever is determined to be more equitable by the city engineer and the appropriate allocation of construction costs shall be based upon the benefit to be derived by each parcel of property. The determination of benefit and allocation of cost by the city engineer shall be final and conclusive.

(D) Improvements Within Reimbursement Area: Except as otherwise provided in this code, any person constructing, adding to, or arranging for the construction of, or adding to any building within the reimbursement area, the result of which effects an increase in the density of use of the property or effects an increase of the traffic generated on the street in question, shall be subject to providing reimbursement to the city as determined by the city engineer for the reimbursement area. The only exception to this provision shall be additions to any existing buildings or the construction of new buildings which are less than two hundred (200) square feet or the construction of a new private garage which is less than four hundred (400) square feet. In order to be excepted from the provisions of this chapter, only one addition of less than two hundred (200) square feet and one

new garage of less than four hundred (400) square feet are allowed on an individual property within a five (5) year period.

(E) Payment Of Reimbursement: Any person required to pay a reimbursement can pay the reimbursement in full at the time of application for a building permit or enter into an agreement in writing providing for the payment of said fee. On approval by the city council for such an agreement, the payment of the fee may be amortized over a period of five (5) years with interest thereon at a rate of ten percent (10%) per annum payable annually. (Ord. 1425, 9-8-1987)

Chapter 10
RESERVED
(Ord. 1148, 2-28-1978)

Chapter 11
PARK REGULATIONS

8-11-1: PARK REGULATIONS:

(A) City Parks: The terms "city park", "park" and "park facility" shall include the following: Benham/City Park, Rotary Park, Lions Park, Lumsden Park, Duffey Park, Orchard Hill Park, and Gold Bug Park.

(B) Closing Time: No person shall enter upon, engage in any activity in, or be present in any city park from one hour after sunset to one hour before sunrise, except as provided for in subsection (B)1 of this section or as posted on the park premises.

1. This subsection (B) shall not be applicable to individuals:

   (a) Engaged in city business;

   (b) Engaged in city authorized programs or activities;

   (c) Engaged in an activity at a city park for which a permit has been issued by the recreation and parks department authorizing use during nondaylight hours.

(C) Smoking: Smoking tobacco or any other substance is unlawful and prohibited in Benham/City Park and is permitted in other parks and park facilities only in designated areas that have signs posted for smoking in that specific area, which areas shall contain appropriate receptacles for cigarettes, ashes and butts.

(D) Commercial Activity:

1. "Commercial activity" means selling, or offering for sale, or vending any goods, wares, merchandise, service or other thing of value, for immediate or future delivery, or requesting monetary donations, contributions, pledges, or other things of value for a charitable, religious, cultural, or other cause. Commercial activity includes the distribution of food or clothing.

2. No person shall engage in any commercial activity in any city park without the express written authorization of the director of community services (director) or his or her designee. The director may authorize commercial activities within any city park in connection with special programs or events sponsored or cosponsored by the city, if he or she determines that the commercial activity complements and enhances the special program or event and does not detract from the use of the city park for ordinary park purposes. In making his or her determination, the director shall consider the potential impact on the city park and the surrounding neighborhood.

(E) Alcoholic Beverages:

1. Consumption or possession of alcoholic beverages is permitted in Lions Park and Gold Bug Park in areas designated by the director, which areas shall be signed in a conspicuous manner.

2. With the exception of Lions Park and Gold Bug Park and as provided for in this subsection, consumption or possession of any "alcoholic beverage", as defined in section 8-14-1 of this title, in any park is permitted only upon the issuance of a permit by the director, which permit shall specify and be valid for a particular date and designated area.

(F) General Conduct:

1. Dogs And Animals:

(a) Any person who enters a park with any animal in that person's charge shall not allow such animal to stray or run at large. Dogs shall be maintained on a leash and be properly licensed and vaccinated.

(b) No person shall fail to promptly remove from any park to an appropriate receptacle fecal matter deposited thereon by any animal in said person's charge.

2. Motor Vehicles: Except as permitted by the director, it is unlawful for any person, other than when engaged in the performance of duties as a city employee, to drive or park any motor vehicle or other motorized conveyance, including, but not limited to, motorized scooters and miniature motorcycles, in or upon any city park, greenbelt, trail or other open space owned by the city, except for those areas designated for vehicular travel. This section does not apply to scooters and wheelchairs in proper use by mobility impaired persons.

3. Damaging Park Property: It is unlawful for any person to destroy, damage or deface any property owned or used by the city as a park. Violation of this subsection may be charged as either an infraction or a misdemeanor in the discretion of the district attorney.

4. Animal Life:

(a) It is unlawful to hunt, molest, chase, tease, capture, take, harm, or shoot or attempt to hunt, molest, chase, tease, capture, take, harm, or shoot any vertebrate animal or wildlife in any park, provided that sport fishing is permitted in Lumsden Park as posted.

(b) Violation of this subsection may be charged as either an infraction or a misdemeanor in the discretion of the district attorney.

5. Amplified Sound: No person shall use any amplified sound in any city park without a permit pursuant to section 6-10-2 of this code. This prohibition shall not apply to the use of any radio, tape recorder, CD player, DVD player, personal recording device, television, or broadcasts from any vehicle that is being used for personal use at a volume insufficient to cause a public nuisance.

6. Firearms: No person shall possess, discharge or shoot any firearm, bow and arrow, lawn darts, slingshot, wrist rocket, air gun, spring gun, paintball gun, or any device that shoots or propels a projectile, fireworks, combustible powered projectile, or any other such devices potentially harmful to park visitors and park property. It shall be unlawful to possess or fire any firecracker or fireworks in a city park.

7. Camping: No person shall camp in a city park.

8. Fires: No person shall start or maintain fires in any city park, except for barbecuing food, using established barbecue facilities or personal portable barbecues within designated picnic areas. No person shall fail to fully extinguish live coals or embers before leaving the barbecue facilities or picnic area.

9. Bicycles/Skateboards/Rollerblades/Roller Skates/Scooters: Bicycles may be used along paved walkways, sidewalks, parking lots, or where signage indicates use is permitted. Anyone riding a bicycle within any park facility shall not ride it in such a manner that threatens to, or injures persons, animals, or property. Riding skateboards, rollerblades, roller skates and scooters is allowed only in areas posted with signage to designate such use. Anyone riding within any park facility shall not ride in such a manner that threatens to, or injures persons, animals, or property.

10. Interference: No person shall interfere with the use of any park or portion thereof that at the time is reserved by permit for the use of any other person or group.

11. Harassment/Disturbing The Peace: No person shall annoy or harass, as defined in subsection 6-5-3(B) of this code, any other persons using the park, nor shall anyone commit any act which is a breach of the public peace.

12. Sports: Unless previously authorized in writing by the city of Placerville director of community services or his/her designee, no person, while within any park facility, shall conduct any organized sport tryout, practice, competition or other sporting event associated with a team, league, or school.

13. Golf: Unless, previously authorized in writing by the city of Placerville director of community services or his/her designee, no person, while within any park facility, shall swing golf clubs.

14. Rules And Policies: No person shall disobey or violate any of the rules, policies or regulations of the director of community services governing the use and enjoyment by the public of any park and recreation facility, or governing the use and enjoyment of any building, structure, equipment, apparatus or appliances thereon, which rules or regulations at the time are posted in some conspicuous place in the park and recreation facility, or in or near the building, structure, equipment, apparatus or appliance to which the rule or regulation applies.

15. Removal From Park/Park Facilities:

(a) Any person who interferes with any city employee in the performance of the employee's duties, or who by his or her conduct interferes with use of a park or other park facility, shall be removed from the park by the director or his or her designee or the police. A person who is removed from a park pursuant to this section shall not return to or reenter the park or park facility until the time that the park or park facility opens on the next day.

(b) The director of community services or a police officer may exclude any person who, while present in a park or park facility, violates any applicable ordinance, statute, posted rule or regulation. Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions unless that person is also committing acts that are not protected that violate a specific provision of the law that would allow for exclusion.

(c) Any exclusion from a park or park facility under the provisions of this section shall be for the specified time periods following occurrence of the following violations in a park or park facility:

(1) One day: Single infraction of park rules or ordinances;

(2) Thirty (30) days: Arrest or citation for a misdemeanor nonviolent crime (e.g., public intoxication), or three (3) or more infractions of park rules or ordinances within the previous year;

(3) Ninety (90) days: Two (2) arrests or citations for misdemeanor nonviolent crimes, or five (5) or more infractions of park rules or ordinances within the previous year, or arrest for a felony nonviolent crime (e.g., drug possession);

(4) One year: Three (3) or more arrests or citations for nonviolent crimes, or seven (7) or more infractions of park rules or ordinances within the previous year, or any arrest for a violent crime.

(d) Written notice shall be given to a person excluded from any park or park facility under this section. The notice shall specify the date the exclusion begins and the duration of the exclusion, shall identify the offending conduct leading to the exclusion, and shall inform the excluded person of the right to appeal the exclusion. The exclusion notice shall be signed by the issuing person and shall also state any penalties for failure to comply.

(e) Any exclusion shall begin immediately upon the issuance of the exclusion notice and end upon the opening of the park on the day following the end of the exclusion.

(f) At any time within the period of exclusion, a person receiving a notice of exclusion may appeal the exclusion in writing to the director or chief of police for a waiver or modification of the exclusion for good cause. Upon review by the director, chief of police or designee, the exclusion shall be upheld if a preponderance of the evidence presented upon the appeal demonstrates that the excluded person committed the violations. The director, chief of police, or designee, shall have the authority to modify the terms of the exclusion for good cause. The decision of the director, chief of police, or designee, shall be final.

(g) The recreation and parks department shall maintain an accurate database of those persons excluded from parks and park facilities.

(h) No person subject to the exclusion notice shall enter or remain in any park or park facility at any time during the period indicated in the exclusion notice. Violation of this subsection may be charged as an infraction or misdemeanor in the discretion of the district attorney.

(G) Special Events/Filming Permits:

1. Any person desiring to use a park or park facility for a special event having fifty (50) or more participants shall notify the director of such intended use and shall obtain the appropriate special events permit from the director.

2. Any person desiring to use a park or park facility for the purpose of producing a commercial video or film shall first obtain a filming permit from the director. This provision is not intended to prohibit filming or videoing for an individual's personal use.

(H) Violation; Penalty:

1. Unless specified otherwise, a violation of any provision of this section shall be punishable as an infraction. (Ord. 1657, 9-10-2013)

8-11-2: PARKS AND RECREATION FACILITIES DEVELOPMENT FEE:

(A) Intent And Purpose: The continued increase in the development of dwelling units in the city with the 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. The city council declares that a park and recreational facilities development fee is required to be paid for all new residential development.

(B) Definitions:

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

PERSON: Shall include any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, syndicate, or other group or combination acting as a unit.

TRAILER SPACE: Each space, area or building in a trailer park or mobilehome park or other place designed or intended as a place to accommodate any mobilehome, trailer, or van, bus or other vehicle or mobile structure, when same is being used as living or sleeping quarters for human beings. (Ord. 1166, 8-8-1978)

(C) Park And Recreational Facilities Development Fees On New Construction: There is hereby imposed a six hundred dollar ($600.00) fee upon every person who constructs or causes to be constructed any new dwelling unit or trailer space in the city. The fee imposed by this section shall be imposed regardless of whether the new dwelling unit is created by new construction or by modification of existing structures. (Ord. 1460, 7-11-1989)

The fee set forth in this subsection shall be reduced by fifty dollars ($50.00) per dwelling unit, providing that a major outdoor facility is provided and maintained by the development.

"Major outdoor recreational facility" is defined as: 1) swimming pool, 2) tennis court, 3) park or greenbelt, 4) combination of the above three (3) items.

The size, quality and design of any "major outdoor recreational facility" to satisfy the requirement for reduction of fee as set out in this section shall be within the discretion of the city. At the option of the city, land (or a combination of land and fees) may be dedicated to the city for park purposes in lieu of the above mentioned fees. Land dedication shall be based on a standard of one acre per four hundred (400) occupants.

On November 1, 1979, and each November 1 thereafter, the dwelling unit charge shall increase to equal increases in construction costs as set forth by engineering news record index. The twelve (12) month average for the previous year shall determine the percentage of increase. (Ord. 1193, 4-24-1979)

(D) Time Payment: Such fees shall be due and payable upon application to the city for a building permit. However, there shall be a refund of such fees in the event the building permit is not

approved, or not used, for such construction. In the case of mobilehome developments, this fee will be payable prior to the city's certification of compliance with zoning regulations.

(E) Restriction On Use Of Funds: All of the sums collected shall be deposited in the park and recreational facilities fund for park and recreation purposes and shall be used solely for capital outlay expenditures such as, but not limited to, the following:

1. Purchase of land and interest in land;

2. Development of parks and buildings for use thereon;

3. Acquisition and development of other varieties of open space;

4. Acquisition and development of bicycle trails, riding trails and other types of trails for recreational use;

5. Acquisition and development of recreation facilities equipment. (Ord. 1166, 8-8-1978)

Chapter 12
UNDERGROUND UTILITY DISTRICT

8-12-1: DEFINITIONS:

Whenever in this chapter, the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

CITY: The city of Placerville, a municipal corporation of the state of California.

COMMISSION: The public utilities commission of the state of California.

COUNCIL: The city council of city.

PERSON: Includes individuals, firms, corporations, partnerships, and their agents and employees.

POLES AND OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES: Poles, towers, supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located aboveground, upon, along, across, or over the streets, alleys and ways of city, and used or useful in supplying electric, communication, or similar or associated service.

UNDERGROUND UTILITY DISTRICT OR DISTRICT: An area in city within which poles and overhead wires and associated overhead structures are prohibited by an ordinance adopted pursuant to the provisions of section 8-12-2 of this chapter.

UTILITY: Includes all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices. (Ord. 947, 5-10-1966)

8-12-2: COUNCIL MAY DESIGNATE UNDERGROUND UTILITY DISTRICT BY ORDINANCE:

The council may, from time to time, call public hearings to ascertain whether the public necessity, health or safety requires the removal of poles and overhead wires and associated overhead structures from the public streets, alleys, or ways, within designated areas of city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The clerk shall notify all affected property owners and utilities by mail of the time and place of such hearings at least thirty (30) days prior to the date thereof. If, after any such public hearing, the council finds that the public necessity, health or safety requires such removal and such underground installation within any such area, the council shall, by ordinance, declare such area an underground utility district. Such ordinance shall include a description of the area comprising such district and shall fix the time within which such poles and overhead wires and associated overhead structures shall be removed and within which affected property owner's must be ready to receive underground service. The council shall allow a reasonable time for such removal, having due regard for the availability of necessary labor, materials and equipment for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 947, 5-10-1966)

8-12-3: UNLAWFUL TO MAINTAIN POLES, ETC.:

Whenever the council by ordinance declares an area of city an underground utility district as provided in section 8-12-2 of this chapter, it shall be unlawful for any person or utility to maintain any pole, overhead wire or associated overhead structure on any public street, alley, or way within the district after the date when said overhead facilities are required to be removed. Any person or utility who shall erect, construct, place, keep, maintain, continue, employ, or operate any such pole or overhead wire or associated overhead structure on any public street, alley, or way within the district, or who shall neglect to take down and remove any such pole, overhead wire or associated overhead structure within the time designated in said ordinance, or who shall otherwise fail to comply with the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00). Each consecutive fifteen (15) day period during which the failure to comply with the provisions hereof shall continue shall constitute a separate offense. (Ord. 947, 5-10-1966)

8-12-4: EXCEPTION BY SPECIAL PERMISSION:

The council may, in any ordinance enacted pursuant to section 8-12-2 of this chapter, grant special permission, on such terms as the council may deem appropriate, in cases of emergency or unusual circumstances, without discrimination as to any person, or utility, to erect, construct, install, maintain, use or operate, poles and overhead wires and associated overhead structures, notwithstanding any other provisions of this chapter. (Ord. 947, 5-10-1966)

8-12-5: EXCEPTIONS:

This chapter shall not apply to the following types of facilities: (Ord. 947, 5-10-1966)

(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, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

(D) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty four thousand (34,000) volts.

(E) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

(F) 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.

(H) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 1053, 2-12-1974)

8-12-6: NOTIFICATION OF AFFECTED PROPERTY OWNERS AND UTILITIES:

Within ten (10) days after passage of an ordinance pursuant to section 8-12-2 of this chapter, the clerk shall notify all affected utilities and all persons owning real property within the district described in said ordinance of the adoption thereof. Said clerk shall further notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electrical, communication or other similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission and to the requirements of state laws and city ordinances.

Notification shall be made by mailing a copy of said ordinance, together with a copy of this chapter, to the affected utilities and to affected property owners as such are shown on the last equalized tax roll of the city. (Ord. 947, 5-10-1966)

8-12-7: UNDERGROUND CONSTRUCTION:

If underground construction is necessary to provide utility service within the area affected by any ordinance enacted pursuant to section 8-12-2 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. Underground construction by the utility shall be accomplished in accordance with established construction standards and in accordance

with the rules and regulations authorized by the commission, and shall be completed within the time for removal of overhead facilities specified in the ordinance enacted pursuant to section 8-12-2 of this chapter. (Ord. 947, 5-10-1966)

8-12-8: PROPERTY OWNERS' RESPONSIBILITY:

(A) All underground construction and conduits, conductors and associated equipment necessary to receive utility service between the service facilities referred to in section 8-12-7 of this chapter and the service facilities in the building or structure being served shall be provided by the person owning, operating, leasing, or renting said property, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission and to the lawful requirements of state laws and city ordinances.

(B) In the event the person owning, operating, leasing or renting said property does not comply with the provision of subsection (A) of this section within the time provided for in the ordinance enacted pursuant to section 8-12-2 of this chapter, the city engineer shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

(C) Noncompliance by any person owning, operating, leasing or renting said property with the provisions of this section shall constitute a misdemeanor under section 8-12-3 of this chapter. Until such time as an order is issued pursuant to subsection (B) of this section, the supplying utility shall not be in violation of this chapter or the ordinance enacted pursuant to section 8-12-2 of this chapter in continuing to maintain overhead facilities necessary to serve such person during the period of such noncompliance and such reasonable time thereafter as may be necessary to remove the same. (Ord. 947, 5-10-1966)

8-12-9: OBLIGATION OF CITY:

The city shall remove its police and fire alarm circuits or any similar municipal equipment at its own expense from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the ordinance enacted pursuant to section 8-12-2 of this chapter. (Ord. 947, 5-10-1966)

8-12-10: FORCE MAJEURE:

In the event that any act required by this chapter or by an ordinance adopted pursuant to section 8-12-2 of this chapter cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 947, 5-10-1966)

8-12-11: UNDERGROUND DISTRICTS ESTABLISHED:

(A) General Areas:

1. That portion of Main Street in the city of Placerville between Sacramento Street and Cedar Ravine is hereby declared an underground utility district. (Ord. 950, 7-26-1966)

2. That portion of the city of Placerville designated on the map attached to ordinance 1026 as exhibit A and by reference made a part hereof, is hereby declared an underground utility district. (Ord. 1026, 6-12-1973, eff. 7-12-1973; amd. Ord. 1053, 2-12-1974)

3. That portion of the city of Placerville designated on the map attached to ordinance 1027 as exhibit A and by reference made a part hereof, is hereby declared an underground utility district. (Ord. 1027, 6-12-1973, eff. 7-12-1973; amd. Ord. 1053, 2-12-1974)

4. That portion of the city of Placerville designated on the map attached to ordinance 1104 as exhibit A and by reference made a part hereof, is hereby declared an underground utility district. (Ord. 1104, 2-22-1977)

5. That portion of the city of Placerville designated on the map attached to ordinance 1149 as exhibit A and by reference made a part hereof, is hereby declared an underground utility district. (Ord. 1149, 3-14-1978)

6. That portion of the city of Placerville designated on the map attached to ordinance 1377 as exhibit A and by reference made a part hereof, is hereby declared an underground utility district. (Ord. 1377, 8-27-1985)

(B) Utility District Number 7:

1. That portion of the city of Placerville along Main Street and Forni Road from Spring Street westerly approximately three thousand five hundred feet (3,500') to the city limits as designated on the map attached to ordinance 1589 as exhibit A, entitled underground utility district number 7, and by reference made a part hereof and hereafter as district number 7, is hereby declared an underground utility district.

2. All of the poles, overhead wires and associated overhead structures shall be removed and the underground installation of wires and facilities within the district shall be installed by March 1, 2004.

3. The utility that undertakes underground installation of its facilities on private property shall use the underground conversion allocation computed pursuant to decisions of the public utilities commission of the state of California for the purpose of providing to each premises in district number 7 a maximum of one hundred feet (100') of individual joint utility service trenching and conductor, as well as backfill, paving and conduit, if required. All costs for individual utility service trenching and conductor, as well as backfill, paving and conduit exceeding one hundred feet (100') shall be borne by the property owner. Each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California public utilities commission or as required by its franchise agreement with the city. Since the undergrounding of utilities is in the city portion of the U.S. Highway 50 operational improvement project, the city of Placerville will provide an electrical contractor to install the conduit and termination box located on, under or within any structure on the premises served within district number 7. The city will assist in the funding of the conversion of the electrical service panel to accept underground service, up to the amount of one thousand five hundred dollars ($1,500.00) per property providing that the property owner participation in completing their conversion work is at the same time the utility companies are doing their work, otherwise the contribution is forfeited. All additional costs shall be borne by the property owner. The underground conversion allocation participation on private property is limited to those properties upon which a residence, commercial establishment or other structure that currently receive electrical power exists as of the adoption of the ordinance

codified herein.

The city of Placerville building department will issue a building permit and provide the required inspection without cost to the property owner. Each property owner in district number 7 shall be responsible for the maintenance of the installed conduit, termination box, and service panel.

4. Any person or utility who shall erect, construct, place, keep, maintain, continue, employ, or operate any such pole or overhead wire or associated overhead structure on any public street, alley or way, within district number 7, or who shall neglect to take down and remove any such pole, overhead wire or associated overhead structure within district number 7 shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00). Each consecutive fifteen (15) day period during which the failure to comply with the provisions hereof occurs, shall constitute a separate offense.

5. This subsection shall not apply to the following types of facilities:

   (a) Wire (exclusive of supporting structures) crossing any portion of district number 7 from which overhead wires have been prohibited, or connecting to buildings on the perimeter of such portion, when such wires originate in an area from which poles and overhead wires and associated overhead structures are not prohibited;

   (b) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixtures 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;

   (c) Radio antennas, their associated equipment and supporting structures, used by a utility for furnishing communication services;

   (d) Service terminals in pedestals aboveground, used to distribute electric or communication service in underground systems.

6. Within ten (10) days after the adoption of the ordinance codified herein, the city clerk of the city of Placerville shall notify all affected utilities and all persons owning real property within the underground utility district herein described of the adoption of the ordinance codified herein. The city clerk shall further notify said property owners of the necessity that if they, or any person occupying such property, desire to continue to receive electrical, communication or other similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the public utilities commission of the state of California, and to the requirements of state laws and city ordinances.

   Notification shall be made by mailing a copy of the ordinance codified herein, together with a copy of this chapter to the affected utilities and to affected property owners as shown on the last equalized tax roll of the county of El Dorado.

7. The obligations pertaining to underground construction, the obligations of the property owners, and the obligations of the city of Placerville, are set forth in sections 8-12-7, 8-12-8, and 8-12-9, respectively, of this chapter.

8. All new buildings in district number 7 shall after the adoption of the ordinance codified herein have the wiring placed underground to the nearest existing utility pole. (Ord. 1589, 10-8-2002)

Chapter 13
WOODLAND AND FOREST CONSERVATION

8-13-1: PURPOSE:

(A) The city finds that urban forestlands constitute an important physical, aesthetic, recreational and economic asset to the city, and for these reasons the city seeks to preserve and enhance this asset.

(B) The city finds that the regulation of tree removal and destruction (using canopy retention standards) will aid in the beautification of the city, encourage sound development, raise property values, and promote the health, safety, prosperity and general welfare of the residents and property owners consistent with the right of an individual to develop private property in a manner which will not be prejudicial to the public interest.

(C) The city council also finds that the management of the trees within the city is in accordance with the goals and policies of the general plan. (Ord. 1509, 5-24-1994)

8-13-2: DEFINITIONS:

APPROVING BODY: The approving body for an application for a subdivision shall be the city council. The planning commission shall, after review, make a recommendation to the city council.

CITY INSPECTOR: A city inspector employed by the city to administer the provisions of this chapter or any other person designated by the development services director. The city inspector may be assisted by a tree specialist.

DISCRETIONARY PROJECT: A project where the city council or planning commission has, within limits, the power of free decision or latitude to approve or deny a project such as a subdivision.

SIGNIFICANT FOREST ALTERATION: The removal or destruction of more than ten (10) "trees" as defined herein per calendar year per parcel.

SUBDIVIDABLE PARCEL: Any lot or portion of a lot that can be further subdivided or partitioned into five (5) or more lots under the city's zoning or subdivision regulations (as determined by an analysis of city staff).

TREE CANOPY: The cross sectional area of a tree measured on a horizontal plane twenty feet (20') above the natural ground level.

TREE SPECIALIST: Any person recognized by a professional horticultural or arborcultural forestry organization as having scientific knowledge in the cultivation of trees and shrubs including tree surgery, and the diagnosis, treatment and prevention of tree disease and control of pests.

TREES: For the purpose of determining canopy any living woody perennial plant having a trunk circumference of twenty four inches (24") (approximately $7^1/_2$ inches in diameter) measured twenty four inches (24") above the ground or any tree twenty feet (20') high or higher. (Ord. 1509, 5-24-1994; amd. Ord. 1654, 6-25-2013)

8-13-3: MINIMUM CANOPY RETENTION STANDARDS:

(A) Residential Subdividable Parcels:

1. This section shall apply to any residential subdividable parcel within the city for which approval for a discretionary project is requested and for which the following condition applies: Parcels having canopy cover by trees of at least ten percent (10%) as determined from baseline aerial photography on file with the planning department, a site survey or any other method acceptable to the approving body.

2. The following table shall be used to determine the minimum amounts of woodland canopy that must be retained during development on wooded lands. Canopy cover may be determined using any method acceptable to the approving body. Canopy removal beyond the minimum canopy retention standards shall be discouraged.

Existing Baseline Canopy Cover	Percentage Of Canopy To Be Retained
80- 100 percent	0.60 x Existing baseline canopy cover
60- 79 percent	0.70 x Existing baseline canopy cover
40- 59 percent	0.80 x Existing baseline canopy cover
20- 39 percent	0.85 x Existing baseline canopy cover
19 percent or less	0.90 x Existing baseline canopy cover

Example: For 50 percent existing baseline canopy, the minimum allowable canopy after development would be 0.80 x 50% = 40.0% canopy.

3. Retention standards shall be applied to retain stands of trees and undisturbed woodlands in priority over individual significant trees which will be incorporated into the development. Dead, insect infested, or diseased trees shall be included as part of the baseline canopy cover determination. "Significant forest alteration" defined herein shall also require a woodland alteration permit and plan.

(B) Significant Threshold: The minimum canopy retention standards shall be used as the threshold for significance under the California environmental quality act. (Ord. 1509, 5-24-1994)

8-13-4: WOODLAND ALTERATION PERMIT AND PLAN:

(A) Woodland Alteration Permit: Except as provided for herein, no person or corporation shall destroy or significantly alter any forest or woodland through tree damage or removal, clearing, grading, tilling, burning, application of chemicals, alteration of drainage pattern, or any other means unless they possess a valid woodland alteration permit. No person or corporation shall be granted a permit for subdivision and/or grading on wooded or forested land unless they possess a valid woodland alteration permit.

Issuance of a woodland alteration permit is contingent upon the following requirements:

1. A woodland alteration plan for the subject property including any access easements must be approved by the approving body.

2. All other requirements pursuant to the California environmental quality act (CEQA), and other applicable local, state and federal laws and regulations must be fulfilled.

3. The city council, if it desires, may establish a fee for the permit. If a fee is to be established, it will be set by resolution. (Ord. 1509, 5-24-1994)

4. All applications shall be submitted to the development services department on a form provided by that department. The form will contain a list of all the information to be submitted with the application. (Ord. 1509, 5-24-1994; amd. Ord. 1654, 6-25-2013)

(B) Woodland Alteration Plan: The purpose of the woodland alteration plan (WAP) is to establish specific methods to conserve existing and potential woodland resources and to replace impacted woodland resources during construction or development. The WAP shall be prepared by a qualified tree specialist and the charges of preparing the WAP shall be borne by the applicant.

The WAP shall provide that a project meets the minimum canopy retention standards of the provision through any, or a combination, of the following methods or other methods:

1. Minimizing the extent of the development and locating it to avoid impacts on existing woodlands.

2. Clustering development on a portion of the project area to retain continuous stands of trees in the nondeveloped portion.

3. Compliance with the tree preservation guidelines adopted by resolution of the city council may be required.

4. If deemed necessary, a fire management plan shall be submitted concurrently with a woodland alteration permit.

5. If the removal of trees exceeds the minimum canopy retention standard then the woodland alteration permit shall demonstrate how the replacement trees will be maintained, and by whom, to meet the minimum canopy retention standard.

6. If the canopy is removed beyond the minimum canopy retention standard, the decision making body may, at its discretion, require the replacement of trees to a level greater than the minimum stated herein, if it is deemed to further enhance the project or to reduce environmental impacts.

7. Replanting with native species to meet the minimum canopy retention standards. Alternative species may be used to exceed minimum canopy retention standards. The future canopy shall be determined by species, size and estimated canopy after fifteen (15) years of growth. (Ord. 1509, 5-24-1994)

8-13-5: COMPLIANCE:

Unless hereinafter specifically exempted from the provisions of this chapter, no person shall destroy or significantly alter forest lands on or upon any "subdividable parcel" as defined herein unless the woodland alteration permit requirements are met. No final subdivision map shall be filed unless the

requirements of the woodland alteration permit are met, unless adequate security is placed with the city to ensure that said requirements can be accomplished by the city at its discretion. (Ord. 1509, 5-24-1994)

8-13-6: EXEMPTIONS:

The following trees are exempt from the provisions of this chapter:

(A) Those trees which comprise a nursery, garden center, tree farm or orchard, or previously used as a fruit orchard.

(B) The first ten (10) trees removed from any one parcel, which is limited to ten (10) trees within any one calendar year.

(C) Trees removed or trimmed by a public utility in the normal course of its business to protect existing or construct new public utility lines and facilities.

(D) The removal of hazardous, dangerous, dead or diseased trees whose condition poses a threat to person or property, provided that the person making application for removal of the tree has provided a report from a tree specialist that the tree is indeed hazardous, dangerous, dead or diseased. However, if there is any extreme emergency condition where a tree may fall and cause property damage or bodily injury, the tree inspector may waive the requirement for a report and order the removal of the tree. No fee will be charged when emergency conditions exist. It is the intent of this chapter to encourage property owners to remove hazardous or dangerous trees.

(E) Trees removed for commercial purposes on parcels three (3) acres or larger when the property owner has filed a harvest plan with the California state department of forestry and satisfied all other requirements of said department. (Ord. 1509, 5-24-1994)

8-13-7: WOODLAND ALTERATION PERMIT ISSUANCE:

Prior to issuing a permit for "significant forest alteration" defined herein, the city inspector shall make the determination that the woodland alteration plan is in compliance with the appropriate canopy retention standard and any other conditions of permit issuance. (Ord. 1509, 5-24-1994)

8-13-8: CONDITIONS:

In granting a permit for tree destruction or removal, the city inspector or governing body may attach reasonable conditions thereto as are required to ensure compliance with the intent and purpose of this chapter. Such conditions may include, but shall not be limited to, the replacement of trees, security therefor and erosion controls. (Ord. 1509, 5-24-1994)

8-13-9: SECURITY:

Security will be required when more than ten (10) trees on the property are to be removed pursuant to the tree removal permit in order to guarantee compliance with any conditions of the woodland alteration permit. Security shall be posted with the city at the rate of one thousand dollars ($1,000.00) per acre with a minimum of one thousand dollars ($1,000.00). Emergency removal of tree(s) will not require security. Any monies collected under this section shall be used for the reforestation of bonded property and/or in a manner that further the goals of this chapter. (Ord. 1509, 5-24-1994)

8-13-10: RELEASE OF SECURITY:

When the tree removal and reforestation has been completed for two (2) years, or as specified in the permit, the city inspector will authorize the release of the security to the permittee. Unacceptable tree growth or condition, as well as actual tree death, shall be grounds for security forfeiture. (Ord. 1509, 5-24-1994)

8-13-11: APPEALS:

(A) Any decision made by the city inspector may be appealed by: 1) the applicant, 2) by any affected resident or, 3) any affected property owner in the city, to the planning commission. A person desiring to appeal such decision shall file a notice of appeal in writing with the secretary of the planning commission within ten (10) days after the date of the decision being appealed, stating briefly the grounds of appeal and bearing the signature of the appellant.

(B) Appeals of the decision of the planning commission on the issuance or denial of a tree destruction or removal permit may be made to the city council by filing a notice of appeal with the city clerk in the manner provided in subsection (A) of this section within ten (10) days of the decision of the planning commission.

(C) Appeals shall be accompanied by an appeal fee established by resolution of the city council. (Ord. 1509, 5-24-1994)

8-13-12: VIOLATION:

(A) Any person who without a permit destroys, significantly alters or damages forest lands, not otherwise exempt, on a "subdividable parcel", as defined herein, which is located on private property shall be liable to the city for the cost of repair and replacement.

Repair or replacement cost shall be defined as follows:

1. The replacement value of a tree removed up to twelve inches (12") in trunk diameter shall be based upon the current retail price of a comparable tree up to twelve inches (12") of trunk caliper measured at four and one-half feet (4.5') from the top of the container soil level or the existing soil grade at the site of the damaged tree.

2. For trees larger than twelve inches (12") in trunk caliper, the replacement value shall be determined on the basis of the number of square inches the tree trunk cross section measured at four and one-half feet (4.5') above the grade in accordance with the formula prepared by the International Society of Arbor Culture.

3. If the city cannot make a monetary determination of the repair or replacement cost utilizing the formula prepared by the International Society of Arbor Culture, the city shall either require:

   (a) Monetary reimbursement in a sum equal to the current market value of two (2) forty eight inch (48") size box specimen trees for each tree damaged or destroyed. All monies collected are to go toward the replacement of damaged or destroyed trees.

   (b) Replanting of two (2) forty eight inch (48") size box specimen trees for each tree damaged or destroyed.

   Unless otherwise agreed to by the city, the specimens used to replace or calculate replacement value shall be the same species as the damaged or destroyed tree.

4. Replacement value shall in addition include labor and materials for removing the damaged or destroyed tree and replanting of replacement trees. The party responsible shall also guarantee that all plants replaced shall live for at least two (2) years or they will be replaced. Replacement trees shall also be guaranteed for two (2) years from the date of replacement.

5. The party responsible for the damage of the tree shall be required to post a bond or deposit cash equal to the replacement value of the tree guaranteeing its repair or replacement. The responsible party shall post the bond or deposit the cash immediately upon notification of the city to do so.

6. All repairs or replacements performed pursuant to this chapter shall occur within sixty (60) days of the report of damage to the tree. Repair or replacement shall be performed by city personnel or an approved landscape tree person or contractor.

7. The remedies set forth in this section shall not be exclusive but may be imposed in addition to any other remedies or penalties set forth in this chapter.

(B) In cases of the intentional tree removal without a permit a reforestation plan shall be filed with the city and all of the requirements thereof shall be met at least two (2) years prior to the issuance of a woodland alteration permit. The preparation of a woodland alteration plan may proceed during the site plan or subdivision map review process. The reforestation plan must be approved as adequate by the planning commission. If the removal of trees results in canopy levels below the existing base line as provided in subsection 8-13-3(A) of this chapter, the standard for reforestation shall be set at one hundred percent (100%) of previously existing base line levels.

In addition a notice shall be recorded against the property notifying potential buyers that trees were removed from the property in violation of this chapter and list conditions or potential conditions related to the violation. Once the violations are corrected the notice shall be removed from the property. (Ord. 1509, 5-24-1994)

8-13-13: CRIMINAL PENALTY:

Any person violating the provisions of this chapter, either personally or through an agent or representative, is guilty of a misdemeanor and shall be punishable as provided in California Penal Code section 19 for each tree, plant or species removed in violation of this chapter. (Ord. 1578, 8-28-2001)

8-13-14: VARIANCES:

Variances from the provisions of this chapter shall be processed in accordance with the criteria and procedures specified in sections 10-3-5 and 10-3-6 of this code. (Ord. 1509, 5-24-1994)

Chapter 14
ALCOHOLIC BEVERAGES

8-14-1: DEFINITIONS:

ALCOHOLIC BEVERAGE: Any alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer and which contains more than one-half of one percent (0.5%) of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances. (Ord. 1375, 8-13-1985)

8-14-2: ALCOHOLIC BEVERAGES:

No person, whether in any vehicle or not, shall possess or consume any alcoholic beverage in or upon any public street, alley, sidewalk, parkway, off street parking area or park except as provided in subsection 8-11-1(E) of this title. (Ord. 1375, 8-13-1985; amd. Ord. 1657, 9-10-2013)

8-14-3: EXCEPTIONS:

(A) The consumption and/or possession of alcoholic beverages as defined herein may be permitted at special events where the sponsor has obtained a temporary license for the sale of alcoholic beverages from the department of alcoholic beverage control or by permit of the city council or its designee. For purposes of this section, the city council does hereby designate the following persons to act as its agent: city administrator, chief of police and director of parks and recreation. (Ord. 1375, 8-13-1985)

8-14-4: PENALTIES:

Any person violating any provisions of this chapter is guilty of an infraction and upon conviction thereof is punishable as set forth in section 1-4-5 of this code. (Ord. 1357, 6-26-1984)

Chapter 15
TRAFFIC MITIGATION FEE

8-15-1: PURPOSE:

The city council finds and declares that the purpose of this chapter is as follows:

(A) The general plan of the city requires that the city be provided, in a time frame related to its development, with an adequate level of traffic and circulation infrastructure.

(B) New development, and the expansion of existing development, within the city imposes a burden on the existing traffic and circulation infrastructure by adding additional traffic and by creating a need for new traffic and circulation infrastructure. Such burdens may vary by the type of land use.

(C) Analysis of the land use expected at buildout of the city pursuant to the general plan makes it possible to estimate the number of trips generated by different types of land uses, to analyze the traffic and circulation infrastructure or facilities necessary to support those trips, and to determine which land uses will utilize such infrastructure. It is therefore possible to construct a fee, based on trip generation, which equitably spreads the burden of traffic and circulation infrastructure or facilities to those who will create the need for them and utilize them. It is the intent of this chapter to create such a fee, spreading costs of traffic and circulation infrastructure to those who create the need for such infrastructure, without generating any surplus to the general fund. It is the further purpose of this chapter to implement the general plan by assuring that adequate public facilities are financed and provided to serve the city.

(D) The fee established by this chapter has been calculated in the manner set forth in the study so as to pay for those facilities listed in the traffic mitigation fee capital improvement program.

(E) The fee established by this chapter is in addition to any other fees or charges required by law as a condition of development.

(F) The fee established by this chapter is to be collected for public improvements and facilities for which an account has been established and funds appropriated.

(G) The failure to impose the conditions and regulations of this chapter relating to payment of the fee on building permits would jeopardize residents of the community, in that it would permit construction to proceed without adequate infrastructure or means of financing said infrastructure.

(H) The requirement of this chapter to pay the fee is necessary in order to assure compliance with the applicable zoning ordinance and general plan requirements for the infrastructure funded by this chapter.

(I) For a period of greater than ten (10) days prior to adoption of this chapter, data has been available to the public and to developers and their representatives indicating the cost or estimated cost of all the infrastructure to be funded, the revenue sources anticipated and the means of spreading these costs.

(J) The city council has considered the effect of the fee imposed by this chapter with respect to the housing needs of the city as a whole and of the region, particularly as required by the housing element of the general plan, and the city council finds that this chapter does not unduly adversely affect the city's ability to provide for such needs.

(K) The establishment of the fee is for the purpose of obtaining funds for capital projects, necessary to maintain service required by the general plan within developing and existing portions of the city which land use designations have already been granted. (Ord. 1461, 7-11-1989)

8-15-2: DEFINITIONS:

The following words are defined for purposes of this chapter as follows:

BUILDING PERMIT: The permit issued or required by the city for the construction of any structure pursuant to and as defined by the building code.

CAPITAL IMPROVEMENT PROJECTS: That list of proposed traffic and circulation facilities identified in the city of Placerville traffic impact mitigation fee study (Fehr and Peers, April 24, 1998).

DEPARTMENT: The department of public works.

DIRECTOR: The director of the department.

FACILITIES: Those public traffic and circulation facilities or infrastructure shown and included on the capital improvement program.

FEE OR TRAFFIC MITIGATION FEE: The fee established by this chapter. The fee shall be collected prior to the approval of any building permit. The fee shall be used solely to finance the facilities.

IMPROVEMENT PLAN: A site plan of property proposed for development showing all required improvements that must be approved by the city prior to the issuance of a building permit for the property.

STUDY: The study entitled "City Of Placerville Traffic Impact Fee Study" (Fehr and Peers, April 24, 1998). The study is on file in the offices of the director and the city clerk.

TRAFFIC MITIGATION FUND: That special interest bearing fund established pursuant to this chapter. (Ord. 1461, 7-11-1989; amd. Ord. 1556, 2-23-1999)

8-15-3: ESTABLISHMENT AND ADMINISTRATION OF TRAFFIC MITIGATION FUND:

The finance director is hereby directed to establish a special interest bearing fund entitled the traffic mitigation fund. All fees collected pursuant to this chapter shall be deposited in the traffic mitigation fund and expended solely to finance the facilities. (Ord. 1461, 7-11-1989)

8-15-4: PAYMENT OF TRAFFIC MITIGATION FEE:

Except as otherwise provided by this chapter, the fee imposed pursuant to this chapter shall be paid at or prior to the issuance of any building permit. Calculation of the fee shall be determined in accordance with the type of development and the extent of development. Descriptions of land use categories in this chapter, except as otherwise noted, are utilized in the same manner as in the general plan. (Ord. 1461, 7-11-1989)

8-15-5: TRAFFIC IMPACT MITIGATION FEE:

The interim traffic impact mitigation fee shall be as follows:

Single-family residential	$14,256.00	per dwelling unit
Multi-family residential	10,586.00	per dwelling unit
Manufactured home (in park)	9,598.00	per dwelling unit
Minor commercial	7.76	per square foot
Major commercial	5.66	per square foot
Gas station	12,650.00	per fuel position
Industrial	1.86	per square foot

For land uses not listed above, the proposed fees will be seven hundred fifty three dollars ($753.00) per trip for residential type land uses, and three hundred thirty eight dollars ($338.00) per trip for commercial or industrial land uses.

The above fees shall remain in effect until the comprehensive permanent traffic impact fee program is adopted. (Ord. 1615, 11-28-2006; amd. Res. 7542, 9-11-2007; Res. 7584, 1-22-2008; Res. 7627, 7-8-2008; Res. 7648, 10-14-2008)

8-15-6: EXISTING DEVELOPMENT:

No fee shall be charged for already existing development or for projects which rebuild or remodel without increasing trips generated, except as provided in this section.

(A) Where the development or project changes to a different land use, it shall be charged the appropriate fee as provided by section 8-15-5 of this chapter, less any amount previously paid pursuant to this chapter.

(B) Where the development or project expands or remodels the same land use, it shall be charged the appropriate fee as provided by section 8-15-5 of this chapter; provided, however, that the fee shall be calculated only as to that portion of the development or project which is expanded or remodeled. Where the fee is calculated based upon the number of dwelling units, no fee shall be charged unless an additional dwelling unit is added. (Ord. 1461, 7-11-1989)

8-15-7: FEE ADJUSTMENTS:

(A) A developer of any project subject to the fee established by this chapter may apply to the director for a reduction or adjustment to the fee based upon the absence of any reasonable relationship or nexus between the impacts of the project and either the amount of the fee or the facilities to be financed by the fee. The application shall be made in writing and filed with the director not later than twenty (20) calendar days after notification of the amount of the fee. The application shall state in detail the factual basis for the claim of reduction or adjustment and the amount of the proposed reduction or adjustment. The director shall consider the application and render his decision in writing not later than forty five (45) calendar days after the filing of the fee adjustment request. Any

person aggrieved by the decision of the director may, within twenty (20) calendar days thereafter, appeal the decision in writing to the city council by filing an appeal with the city clerk. The city council shall consider such appeals within forty five (45) calendar days after filing. The decision of the city council shall be final. No building permit shall be issued for the project until the final decision pursuant to this section has been made. No application for a project shall be considered final or complete for purposes of the permit streamlining act[1], or any other purpose, until a final decision pursuant to this section has been made.

(B) Notwithstanding the provisions of subsection (A) of this section, a project proponent or applicant may pay the fee under protest and receive a building permit. Provided, however, that the application for reduction or adjustment shall thereafter be filed within ten (10) calendar days or any objection shall be deemed waived. If a reduction or adjustment is received after payment pursuant to this subsection is made, a refund to the applicant shall be made of that amount by which the fee is reduced or adjusted.

(C) The project proponent or applicant applying for a reduction or adjustment shall have the burden of proof, by a preponderance of the evidence, that a reasonable relationship or nexus is lacking between the fee, or the facilities to be financed by the fee, and the particular project.

(D) In the event of any reduction or adjustment in the fee granted pursuant to this section, any later change in the use, zoning or land use designation for the property involved shall subject the then owner to payment of the then applicable fee for such new uses, zoning or land use designation, whether or not a building permit is required. (Ord. 1461, 7-11-1989)

8-15-8: INFLATIONARY ADJUSTMENTS:

The fee established by this chapter shall automatically be adjusted on January 1 of each calendar year by a percentage equal to the inflation rate for the prior year for construction costs as determined by the director on December 1 of each calendar year. The director's determination shall be based upon the "Engineering News Record", construction cost index for the calendar year as of December 1. (Ord. 1461, 7-11-1989)

8-15-9: ADOPTION IN COMPLIANCE WITH CAPITAL IMPROVEMENT PLAN:

When the monies in the traffic mitigation fund are disbursed for use, the fees shall be used to finance the facilities. To the extent sufficient fees are available, all facilities financed by the fees shall be constructed or acquired in accordance with the priorities established in the capital improvement program. (Ord. 1461, 7-11-1989)

8-15-10: PROJECT PER UNIT COSTS:

If a developer has constructed all or a portion of a project listed on the capital improvement program or participated in an assessment district or any other kind of financing mechanism the result of which has caused the construction of one or more projects on the traffic mitigation fee, capital improvement program, development within the project area shall be exempt from the traffic mitigation fee only to the extent that the equivalent project per unit cost equals or exceeds the traffic mitigation fee. If the project

per unit cost is less than the traffic mitigation fee, then the traffic mitigation fee will be reduced by the amount of the project per unit cost. The project per unit cost shall be calculated and certified by the director. (Ord. 1461, 7-11-1989)

Chapter 16
MONUMENTS

8-16-1: DRUID MONUMENT:

No person shall enter upon, stand, sit or lie upon, or in any way occupy the Druid monument, or any portion thereof, or any structure appurtenant thereto. (Ord. 1519, 2-28-1995)

8-16-2: BELL TOWER MONUMENT:

No person shall enter upon, stand, site or lie upon, or in any way occupy the Bell Tower monument, or any portion thereof, or any structure appurtenant thereto, without having first obtained a permit from the chief of police of the city. (Ord. 1519, 2-28-1995)

8-16-3: PURPOSE:

The city council recognizes that the primary use of the Bell Tower monument and the Druid monument is as historic monuments, the preservation of which is necessary so that they may be continuously enjoyed by all citizens. The council has determined that constant pedestrian traffic in and around these monuments interferes with their use as public monuments and that excessive wear and tear will threaten their longevity. The council also finds that heavy pedestrian traffic going to and from these monuments poses a threat to public safety and impedes the orderly flow of vehicular traffic. Thus, the council find it necessary to regulate the use of these monuments in order to adequately protect these monuments, to protect public safety and facilitate the efficient flow of vehicular traffic in the area. (Ord. 1519, 2-28-1995)

8-16-4: PERMIT; CONTENT OF APPLICATION:

An application for a permit for the Bell Tower monument shall be filed with the chief of police of the city and shall state the following:

(A) The name and address of the applicant;

(B) The name and address of the person, group or organization conducting the activity;

(C) The nature of the proposed use or activity;

(D) The date and hours for which the permit is desired; and

(E) An estimate of attendance. (Ord. 1519, 2-28-1995)

8-16-5: PERMIT; STANDARDS FOR ISSUANCE:

The chief of police shall issue a permit hereunder when he finds:

(A) The proposed activity or use of the Bell Tower monument will not result in damage or excessive wear and tear to the Bell Tower monument;

(B) The proposed use or activity will not present a threat to the public safety of pedestrians in or around the Bell Tower monument;

(C) The proposed use or activity will not unreasonably interfere with the efficient flow of vehicular traffic in and around the Bell Tower monument;

(D) The proposed use or activity will not entail unusual or burdensome expense or security operation by the city; and

(E) The Bell Tower monument has not been previously reserved for other use. (Ord. 1519, 2-28-1995)

8-16-6: PENALTIES:

Violation of this chapter shall constitute an infraction; punishment of which shall be prescribed by subdivision (b) of section 36900 of the Government Code; provided, however, the fines mentioned therein shall be minimum rather than maximum fines. (Ord. 1519, 2-28-1995)

8-16-7: SEVERABILITY:

If any portion of this chapter is found to be unconstitutional, it shall not affect the operability of the remaining portion thereof. (Ord. 1519, 2-28-1995)

Chapter 17
PROHIBITION OF ROUNDABOUTS

8-17-1: ROUNDABOUTS PROHIBITED:

The city is prohibited from constructing or utilizing, and is prohibited from requiring any public or private person or entity to construct or utilize the traffic features commonly known as "roundabouts", "traffic circles" or any similar traffic feature on or with respect to any public street or roadway anywhere within city limits. In no event shall the city's standard or other street specifications or improvement

requirements include any requirement for the construction and/or utilization of any roundabouts, traffic circles, and/or any similar feature. In no event shall the city carry out or approve a project to construct any roundabouts, traffic circles, and/or any similar features as a condition to the approval of any project or the issuance of any permit or permission unless such project is approved by the popular vote. (Voter Initiative 11-4-2014)

Title 9
TRAFFIC

Chapter 1
TRAFFIC DEFINITIONS

9-1-1: TERMS DEFINED:

When used in this title, the following words and terms shall have the meanings herein ascribed to them, unless the content makes such meaning repugnant thereto:

CURB: The lateral boundaries of that portion of a street designated or intended for use of vehicles, whether marked by curbing construction, or by stone, cement, concrete or other material, or not so marked.

HOLIDAY: Any legally declared state or federal holiday.

LOADING ZONE: An area, space or section of the curb set aside for the exclusive use and purpose of loading and unloading of persons, supplies and merchandise.

NO PARKING ZONE: An area, space or section of the curb by or adjacent to which no vehicle, whether occupied or not, attended or unattended, shall stop, stand or park.

OPERATOR: Every individual who shall operate a vehicle as the owner thereof or as the agent, employee or permittee of the owner.

PARK: The stopping or standing of a vehicle, whether occupied or not, attended or unattended, on any street.

PARKING METER: Any device which, when the recording dial thereof is set in motion by the deposit of any coin, shall register the time during which any vehicle is parked adjacent to the parking meter.

PARKING METER ZONE: An area or space upon any street, designated by lines or other markings, and of sufficient size to permit the parking of only one vehicle.

STREET: Any public street, avenue, road, boulevard, highway or other public place, located in the city, and established for the use of vehicles.

TRAFFIC COMMITTEE: A committee to consist of the city administrator, the chief of police, and the city engineer.

U-TURN: The making of any turn while traveling in any direction so as to proceed in the opposite direction.

VEHICLE: Any device in, upon, or by which any person or property is or may be transported upon a street or highway, except a device which is operated upon rails or tracks. (Ord. 646, 7-2-1934; amd. Ord. 703, 6-17-1946; Ord. 977, 5-28-1968; Ord. 1080, 2-10-1976; Ord. 1688, 2-28-2017)

Chapter 2
TRAFFIC REGULATIONS

9-2-1: SPEED RESTRICTIONS:

Every person operating a vehicle on any street of the city shall operate the same in a careful and prudent manner and at a rate of speed not greater than is reasonable and proper, having regard to the traffic and use of the street, and no person shall operate a vehicle on any street at a rate of speed so as to endanger the life or limb of any person or the safety of any property. Speed restrictions shall be as follows: (Ord. 586, 6-21-1920)

No person shall drive a vehicle at a rate of speed in excess of twenty five (25) miles per hour, provided that in the event the territory contiguous to the street being traveled is closely built up, the speed shall not exceed twenty five (25) miles per hour. (Ord. 586, 6-21-1920; amd. 1962 Code)

In the business district the speed limit shall be fifteen (15) miles per hour. (Ord. 907, 5-28-1964)

Upon approaching a railway crossing, or approaching or traversing a street intersection, the speed limit shall be fifteen (15) miles per hour. (Ord. 586, 6-21-1920)

The following speed limits shall be established on the following streets in the city:

Street	From/To	Speed Limit (mph)
Bee Street	Coloma Street to Canal Street	30
Benham Street	Pacific Street to Big Cut Road	25
Broadway	Mosquito Road to a point 800 feet west of Smith Flat Road	25
	800 feet west of Smith Flat Road to a point 800 feet east of Smith Flat Road	35
	800 feet east of Smith Flat Road to the easterly city limits	40
Canal Street	Westerly city limits to Highway 50	30
Carson Road	Broadway to Schnell School Road	30
Cedar Ravine Street	Main Street to southerly city limits	30
Chapel Street	Pacific Street to Chamberlain Street	15
Cold Springs Road	Placerville Drive to westerly city limits	35
Combellack Road	Coloma Street to Middletown Road	30
Fair Lane	Placerville Drive to Ray Lawyer Drive	35

Forni Road	Lo Hi Way easterly to city limits	35
Grandview Street	Clay Street to Simon Drive	35
Green Valley Road	Placerville Drive to westerly city limits	30
Main Street	Forni Road to Broadway	25
Mallard Lane	Green Valley Road to city limits	30
Morrene Drive	Hocking Street to Kenneth Court	25
Mosquito Road	Broadway to Dimity Lane	30
	Dimity Lane to northerly city limits	35
Oak Terrace	Northridge Drive to a point 450 feet east of Edgewood Drive	25
	Coloma Street to a point 450 feet east of Edgewood Drive	15
Pacific Street	Sacramento Street to Cedar Ravine Street	30
Placerville Drive	West connection with Highway 50 to east connection with Highway 50	35
Ray Lawyer Drive	Placerville Drive to Fair Lane	35
Schnell School Road	Broadway to Carson Road	30
Smith Flat Road	Broadway to city limits	25
Spring Street	Coloma Street to Bedford Avenue	30
Tunnel Street	Spring Street to its northerly terminus	30
Turner Street	Main Street to Corker Street	30
Washington Street	Spanish Ravine to Corker Street	25
	Corker Street to Cedar Ravine Street	30
Wiltse Road	Broadway to Lumsden Park entrance	25

(Ord. 1475, 2-26-1991; amd. Ord. 1482, 8-27-1991; Ord. 1489, 3-10-1992; Ord. 1493, 7-14-1992; Ord. 1548, 5-12-1998; Ord. 1550, 10-13-1998; Ord. 1563, 1-11-2000; Ord. 1588, 10-8-2002)

The speed limits herein set forth shall be effective when appropriate signs giving notice thereof are erected upon the streets and shall not thereafter be revised except upon the basis of an engineering and traffic survey. (Ord. 1116, 4-26-1977)

9-2-2: RIGHT TURNS:

(Rep. by Ord. 1548, 5-12-1998)

9-2-3: LEFT TURNS:

(Rep. by Ord. 1548, 5-12-1998)

9-2-4: U-TURNS:

It shall be unlawful for the driver of any vehicle to make a U-turn within the city at any of the following intersections:

Bedford Avenue and Main Street.

Sacramento Street and Main Street.

(Ord. 586, 2-21-1920; amd. Ord. 1548, 5-12-1998)

9-2-5: WARNING DEVICES; RESTRICTIONS:

It shall be unlawful for any person operating any vehicle to use thereon, while traversing any street, any instrument for the purpose of giving a warning which shall produce a sound of an unusually loud, annoying or distressing character, or such that will tend to frighten pedestrians or animals. (Ord. 586, 2-21-1920)

9-2-6: MUFFLER:

(Rep. by Ord. 1548, 5-12-1998)

9-2-7: LEAVING VEHICLE WITH MOTOR RUNNING:

All vehicles shall be parked with the front facing the curb, except when loading or unloading and shall not be parked with the engine left running. (Ord. 586, 2-21-1920)

9-2-8: VEHICLE REPAIRS PROHIBITED ON STREETS:

No repairing of vehicles or racing of engines shall be allowed on the streets of the city. (Ord. 586, 2-21-1920)

9-2-9: EXCESSIVE ACCELERATION PROHIBITED:

No person shall operate a vehicle on a street or alley in the city in such a manner as to facilitate its speed by means of leaving rear wheel frictional tire rubber marks, caused by rapid acceleration. (Ord. 818, 10-16-1958)

9-2-10: RESTRICTED TRAFFIC AREAS; TRUCKS PROHIBITED:

(Rep. by Ord. 1546, 10-14-1997)

9-2-11: REGULATION OF TRAFFIC AT FIRES:

(Rep. by Ord. 1548, 5-12-1998)

9-2-12: LOUISIANA SCHNELL SCHOOL STREET RESTRICTED:

(Rep. by Ord. 1546, 10-14-1997)

9-2-13: TRUCK ROUTES:

(A) Whenever any ordinance of this city designates any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three (3) tons, the city director of public works is hereby authorized to post such street or streets by appropriate signs as "truck routes" for the movement of vehicles exceeding a maximum gross weight limit of three (3) tons.

(B) The provisions of this section shall not apply to:

1. Passenger buses under the jurisdiction of the public utilities commission or a public agency.

2. Any vehicle owned or operated by a public utility or public agency while necessarily in use in the construction, installation or repair of any public utility facilities.

(C) When any such truck traffic route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three (3) tons shall drive on such route or routes and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three (3) tons coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pick ups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained.

(D) In accordance with this section, and when signs are erected giving notice thereof, the following streets or portions of streets are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight of three (3) tons:

Bedford Avenue from U.S. 50 to Main Street.

Broadway from Mosquito Road to the east city limits.

Carson Road from Broadway to the northeast city limits.

Cedar Ravine Street from Main Street to the southeast city limits.

Cold Springs Road from the northeast city limits to Placerville Drive.

Main Street from U.S. 50 to Washington Street.

Mosquito Road from Main Street to the northeast city limits.

Pacific Street from Cedar Ravine to State Route 49 (Sacramento Street).

Placerville Drive.

Spring Street from U.S. 50 to Main Street.

(Ord. 1000, 4-13-1971)

9-2-14: COMMERCIAL VEHICLES; USING CERTAIN STREETS:

(A) Whenever any ordinance of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the city director of public works shall erect and maintain appropriate signs on those streets affected by such ordinance.

(B) The provisions of this section shall not apply to:

1. Passenger buses under the jurisdiction of the public utilities commission or a public agency.

2. Any vehicle owned or operated by the public utility or public agency while necessarily in use in the construction, installation or repair of any public utility facilities.

(C) The provisions of this section shall not prohibit commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from such restricted streets when necessary for the purpose of making pick ups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted street for which a building permit has previously been obtained. (Ord. 1000, 4-13-1971)

(D) In accordance with this section and when signs are erected giving notice thereof, the following streets and portions of streets are hereby declared to be streets the use of which is prohibited by any commercial vehicle with a gross weight of six thousand (6,000) pounds or more:

Street		From/To
Bedford Avenue		Spring Street to Pleasant Street
Coloma Street		Spring Street to High Street
Coolwater Creek Road		Cold Springs Road to Mallard Lane
Dimity Lane		Carson Road to Mosquito Road
Mallard Lane		Coolwater Creek Road to Green Valley Road
Smithflat Road		Broadway to the easterly city limits

Spring Street	Coloma Street to Bedford Avenue

(Ord. 1546, 10-14-1997)

9-2-15: TRANSPORTATION OF EXPLOSIVES:

(A) Whenever any ordinance of the city designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle shall drive on such route or routes and none other, except that nothing in this section shall prohibit the operator of any vehicle carrying explosives from having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of explosives.

(B) The route for transportation of explosives shall be as follows:

Broadway from Schnell School Road to Pointview Drive.
(Ord. 1000, 4-13-1971)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

Chapter 3
STOPPING, STANDING AND PARKING

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-1: PARKING NEAR INTERSECTIONS PROHIBITED:

It shall be unlawful for any person to park any vehicle upon any portion of any street within five feet (5') of the nearest property line of any street intersection, in front of the vehicle if it is parked parallel to the curb, or to the left of the vehicle if it is parked at an angle to the curb; or within five feet (5') of the nearest property line of any street intersection behind the vehicle if it is parked parallel to the curb. (Ord. 615, 6-7-1926)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-2: PARKING IN DESIGNATED SPACES ONLY:

It shall be unlawful for any person to park any vehicle on any portion of the paved streets of the city, except along the curb, or next to the sidewalk, of streets which are marked off and designated by white lines parallel and perpendicular to the curb, and which spaces so marked off are hereby designated as parking spaces. (Ord. 624, 6-4-1928)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-3-3: PARKING ZONES DESIGNATED:

The director of community services and/or city engineer shall establish, allot, and indicate by suitable lines or other means of indication, in any block in any street, any or all of the types of zones hereafter set forth; provided, however, that no zone pertaining to parking may be established on a state highway without first having received the necessary legal consent from the California state department of transportation. If a parking zone request is determined to be unwarranted, notification will be given to the requestor who then has the option to have the issue brought before the city council, via a written request to the city clerk's office, requesting that the issue be agendized for council consideration. The types of zones are as follows:

(A) No parking zones are areas wherein no person shall stop, stand or park a vehicle. Such areas shall be signed "no parking" and curbs adjacent to such zones shall be colored red, and the color shall indicate the areas to be no parking zones; or, in the event that there is no curb in an area established as a no parking zone, the area shall be marked with a sign indicating "no parking". It shall be unlawful for any person to stop, stand or park a vehicle in any such zone.

(B) Loading zones are areas wherein no person shall stop, stand or park a vehicle except for the loading or unloading of passengers, and the curbs adjacent to such zones shall be colored white and the color shall indicate the areas to be passenger loading zones; provided, that it shall be unlawful for any person to stop, stand or park a vehicle in any such zone for any purpose except for the loading or unloading of passengers or to stop, stand or park a vehicle in any such zone for the specified purpose, for a longer continuous period of time than ten (10) minutes.

(C) Commercial loading zones in the city shall be designated by having the curb adjacent to such zone painted yellow. Between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. Monday through Saturday, except holidays, use of a yellow zone by commercial vehicles, having commercial vehicle license plates, shall be limited to the loading and unloading of freight, goods, wares or merchandise only for a period not to exceed twenty (20) minutes. For all other days and times, parking shall be permitted in a yellow zone subject to standard parking limitations for the applicable street. Any vehicle parked contrary to the limitations established above shall be subject to tow and fine. Vehicles displaying disabled person license plates, handicap placards issued by the department of motor vehicles or a city of Placerville temporary commercial loading zone permit may park in loading zones for a period of twenty (20) minutes during periods that loading zone standards are in effect as specified above. The loading or unloading of disabled persons in such zones shall be accomplished only by utilizing a curbside or right hand door or by a door so located as to provide access at the rearmost portion of the vehicle.

(D) Limited time parking zones are areas wherein no person shall stop, stand or park a vehicle in excess of the period of time indicated by suitable signs or markings; the council may also establish limited time parking zones, and shall fix and designate the periods of time in excess of which parking in the zones shall be illegal, and shall mark these zones by signs. It shall be unlawful for any person to stop, stand or park a vehicle in any such zone for a longer continuous period of time than that indicated by the adjacent signs or markings. The term "continuous period of time" as used in this section shall include moving a vehicle from parking space to parking space for the sole purpose of parking a vehicle in such zone for longer than the time indicated by the adjacent signs or markings, or for the purpose of erasing, obliterating, or otherwise removing or concealing a chalk

mark placed on a vehicle by a police department employee or a parking enforcement agent designated by the city council for the purposes of determining overtime parking.

(E) No person shall stop, stand or park a vehicle in excess of the period of time indicated by suitable signs located on Main Street.

(F) Two (2) hour limited time parking zones are hereby established on the following streets between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. on nonholiday weekdays:

Bee Street	Northerly side from Coloma Street to a point lying 80 feet east of Molly Lane.
	South side from a point lying 80 feet east of Molly Lane to a point lying 265 feet west of Coloma Street.
	South side from a point lying 180 feet west of Coloma Street to a point lying 50 feet west of Coloma Street.

(G) Two (2) hour limited time parking zones are hereby established on the following streets between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M., daily, holidays excepted:

Main Street	From the eastern terminus of Forni Road easterly to Cedar Ravine Street.
	North side of Main Street from a point 300 feet east of Locust Street to a point 375 feet east of Locust Street.
	North side of Main Street between Cedar Ravine Street and Locust Street, excluding that portion adjacent to the businesses located at 617 and 619 Main Street.

(Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-4: NIGHTTIME PARKING RESTRICTED:

It shall be unlawful for any person to park or leave standing any vehicle of any kind whatsoever between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. on any of the streets or portions of streets hereinafter designated:

Bedford Avenue from Main Street to Coleman Street.

Canal Street.

Center Street.

Coloma Street from Main Street to Mill Street.

Main Street from Canal Street to Washington Street.

Sacramento Street from Main Street to Chamberlain Street.

Spring Street. (Ord. 695, 7-16-1945)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-5: TOW AWAY ZONES:

It shall be unlawful for any vehicle to be parked on the south side of Main Street from the east side of Reservoir Street to a point opposite the west side of Bedford Street and on the north side of Main Street from Bedford Street to the west side of the premises located at 533 Main Street. Any vehicle parking in the restricted areas shall be towed away. It shall be unlawful for any vehicle to be parked on the north side of Reservoir Street from the intersection of Quartz Alley to the intersection of Main Street. Any vehicle parking in the restricted area shall be towed away. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-6: TAXICAB ZONES:

The council is hereby authorized to establish by resolution a taxicab zone or zones on any street in the city and shall cause a sign or other designation to be placed adjacent to the parking zone or space indicating that the space is reserved for taxicabs. It shall be unlawful for any person to park any vehicle other than a taxicab in any parking space which is designated as a taxicab zone.

The police department or parking enforcement officer shall issue citations in the usual manner and form for any violations of any of the provisions of this section. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-7: STOP SIGNS DESIGNATED:

The director of community services and/or city engineer shall have the authority to establish points at intersections of any streets at which the drivers of all vehicles shall be required to come to a complete and full stop. Stop signs shall be erected at a point at which the driver shall bring his vehicle to a stop. If a stop request is determined to be unwarranted, notification will be given to the requestor who then has the option to have the issue brought before council, via a written request to the city clerk's office, requesting that the issue be agendized for council consideration.

The city council hereby authorizes the installation of stop signs at the following locations:

Airport Road	At the intersection of Airport Road and Broadway.
Bedford Avenue	On all 3 approaches to the intersection of Bedford Avenue and Main Street.

	On all 4 approaches to the intersection of Bedford Avenue and Pleasant Street.
	On all 4 approaches to the intersection of Bedford Avenue at Poverty Hill Drive and Quartz Mountain Drive.
Benham Court	At Fiske Street.
Broadway	On the approaches of Broadway at Point View Drive.
	On the easterly approach of Broadway at its intersection with Wiltse Road.
	On all 4 approaches to the intersection of Broadway and Mosquito Road/Main Street.
	On all 3 approaches to the intersection of Broadway and Schnell School Road.
Carson Road	On the southbound approach of Carson Road at its intersection with School and Rosier Streets.
Cedar Ravine	On all 3 approaches to the intersection of Cedar Ravine and Country Club Drive.
	On all 4 approaches to the intersection of Cedar Ravine, Wall Street and Darlington Avenue.
Chapel Street	At its intersection with Chamberlain Street.
	At Pacific Street.
Cold Springs Road	On all 3 approaches to the intersection of Cold Springs Road and Pierroz Road.
Conrad Court	On the westerly leg of Conrad Court at Conrad Street.
Conrad Street	On the southerly leg of Conrad Street at Conrad Court.
Cougar Lane	At Canal Street.
Debbie Lane	On Debbie Lane and A & A Road at their intersection with Green Valley Road.
Fiske Street	At Benham Street.
Forni Road	On all 3 approaches to the intersection of Forni Road and Briw Road.
	On all 3 approaches to the intersection of Forni Road and Ray Lawyer Drive.
Gold Street	At its intersection with Marshall Way.
Grandview Street	Grandview Street and Lincoln Street at their intersection with Clay Street.
Green Valley Road	On all 3 approaches to Green Valley Road and Mallard Lane.
Hazzard Street	At both of its intersections with Washington Street.

Hocking Street	On the northerly approach of Hocking Street at its intersection with Immigrant Ravine Road.
Immigrant Ravine Road	On the westerly approach of Immigrant Ravine Road at its intersection with Hocking Street.
Jeffrey Lane	At its intersection with Country Club Drive.
Locust Avenue	On both approaches of Locust Avenue to the westerly leg of Elm Avenue.
Main Street	On all 3 approaches to the intersection of Main Street and Cedar Ravine Street.
	On all approaches to the intersection of Main Street and Broadway.
Pacific Street	On the eastbound intersection of Pacific Street and Cedar Ravine.
Pardi Way	On the westerly and southerly approaches to the intersection of Pardi Way and La Vista Drive.
Pierroz Road	On the intersection of Pierroz Road and Placerville Drive.
Ray Lawyer Drive	On all 3 approaches to the intersection of Ray Lawyer Drive and Fair Lane.
Schnell School Road	At its intersection with Carson Road.
Sean Drive	At its intersection with Country Club Drive.
Smith Flat Road	At the intersection of Smith Flat Road and Broadway.
	At the intersection of Smith Flat Road and Jaquier Road.
Spanish Ravine	At its intersection with Main Street.
Stage Coach Alley	On all approaches to the intersection of Stage Coach Alley and Center Street.
Turner Street	At Corker Street.
Washington Street	On all 3 approaches to the intersection of Washington Street and Rowland Street.
Wiltse Road	On the northerly approach of Wiltse Road at its intersection with Lane Drive.
Wood Street	At its intersection with High Street.

(Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-8: RESTRICTED PARKING:

There shall be no parking at the following locations on the streets listed below except as otherwise noted:

Acacia Way	On the east side from 2903 Acacia Way to a point 125 feet south of the southerly intersection of Bennett Drive.
	On the east side from Bee Street to a point 125 feet south of the southerly intersection of Bennett Drive.
	On the west side.
Anderson Way	On both sides of the northerly loop.
	On the east side from Franklin Court to a point 300 feet north of Franklin Court.
	On the north side of the southerly loop.
Arizona Way	On the east side from the Clay Street intersection northerly to the end of the road.
Barrett Drive	On the cul-de-sac at the westerly terminus.
Bedford Avenue	On both sides from Highway 50 to Coleman Street.
	On both sides from Pleasant Street to a point 100 feet south of Pleasant Street.
	On either side from Pleasant Street north to the city limits.
	On the east side from a point 270 feet north of Coleman Street to a point 330 feet north of Coleman Street.
	On the east side of Bedford Avenue from a point 290 feet south of Pleasant Street to a point 320 feet south of Pleasant Street.
	On the west side from Coleman Street to Pleasant Street.
Bee Street	On the north side from Canal Street, easterly to a point lying 35 feet east of Acacia Way.
	On the south side from a point lying 80 feet west of Simas Way to a point lying 25 feet east of Simas Way.
	On the south side from Canal Street, easterly 138 feet.
	On the south side from Coloma Street, westerly 50 feet.
Benham Court	On the east side from Fiske Street to the southerly terminus of Benham Court.
Bennett Drive	On the north side from a point 200 feet east of the southerly terminus with Acacia Way to a point 265 feet east of the southerly terminus with Acacia Way.
Briw Road	On the east side from the intersection of Forni Road to a point 300 feet to the south.
	On the west side from the intersection of Forni Road to a point 100 feet to the

	south.
Broadway	On the north side adjacent to the business at 1361 Broadway.
	On the north side adjacent to the business at 1287 Broadway.
	On the north side adjacent to the businesses at 1257 through 1263 Broadway.
	On the north side from Schnell School Road to a point 200 feet westerly, and to a point 720 feet east of Schnell School Road.
	On the roadway portion from Mosquito Road to a point 320 feet easterly. There shall be a 1 hour parking zone established in the easement portion on the north side of Broadway from the prolongation of the curb line within the location described herein.
	On the south side from Carson Road to a point 675 feet westerly.
	On the south side from Wiltse Road to a point 150 feet easterly.
	On the south side from a point 210 feet west of Wiltse Road to a point 250 feet west of Wiltse Road.
	On the south side from Airport Road to a point 250 feet west of Airport Road.
Broadway Court	On the north side from Broadway to its westerly terminus.
Canal Street	On both sides from Cougar Lane, southeasterly to Bee Street.
	On both sides from Simas Way, southeasterly to U.S. Highway 50.
	On the northerly side from Bee Street, southeasterly to Simas Way.
Cedar Ravine Street	On the west side within 15 feet of residential driveways between 3154 and 3178 Cedar Ravine Street.
	There shall be no parking on the west side of Cedar Ravine Street from a point 525 feet north of Darlington Avenue to a point 585 feet north of Darlington Avenue.
Chamberlain Street	On the north side from Chapel Street to a point 40 feet west of Chapel Street.
	On the north side from Lillian Court to the westerly terminus of Chamberlain Street.
	On the north side from Sacramento Street to Chapel Street.
	On the south side from a point 200 feet west of Sacramento Street to a point 360 feet west of Sacramento Street.
	On the south side from Sacramento Street to a point 50 feet west of Sacramento Street.
Chapel Street	On the east side from Chamberlain Street to Carey Alley.
	On the east side from Pacific Street to a point 50 feet south of Pacific Street.
Clark Street	On the east side from Pacific Street to Adams Way.

	On the west side from Clark Court to the southerly terminus of Clark Street.
	On the west side from Clark Court to a point 80 feet south of Pacific Street.
Clay Street	On the west side at the Highway 50 overcrossing.
Coleman Street	On the north side from Benson Street to Clay Street.
	On the south side from Bedford Avenue to Lincoln Street.
	On the south side from Clay Street to Lincoln Street.
Coloma Street	On the east side between Spring Street and Conrad Street.
	On the west side for a distance of 100 feet in each direction from the crest of the hill between Spring Street and High Street.
Conrad Court	On the cul-de-sac located at the end of Conrad Court.
	On the south side from Conrad Street to a point 75 feet east.
Cottage Street	On the north side from Conrad Street to a point 25 feet east of Conrad Street.
	On the south side from a point 470 feet west of Garden Street to a point 720 feet west of Garden Street.
Cougar Lane	On the east side from Canal Street to its northerly terminus.
	On the west side from Canal Street to a point 50 feet north of Canal Street.
	On the west side from its northerly terminus to a point 60 feet south.
	There shall be a parking by permit only zone established on Cougar Lane on the west side beginning at a point 50 feet north of Canal Street and terminating 60 feet south of its northerly terminus.
Country Club Drive	On both sides from the easterly city limits to a point 250 feet westerly.
	On the east side adjacent to the residences located between 1788 and 1814 Country Club Drive.
	On the south side from Pheasant Run Drive to a point 100 feet east of Pheasant Run Drive.
Crescent Street	On the south side from the intersection of Lewis Street to a point 100 feet east.
Fair Lane	On both sides from Placerville Drive to a point 1,600 feet.
Fairview Court	On the east side from Canal Street to a point 50 feet south of Canal Street.
	On the west side from Canal Street to a point 100 feet south of Canal Street.
Fiske Street	On the south side from Benham Court to a point 75 feet west of Benham Court.
Forni Road	On the south side from the westerly city limits to a point 400 feet east.
Fowler Way	On the west side from Marshall Way to its northwesterly terminus.

Gold Street	On the north side in front of the properties at 1055, 1061 and 1071 Gold Street.
Goldner Street	On both sides from Clark Street to a point 150 feet west of Clark Street.
	On the west side from Pacific Street to a point 150 feet south of Pacific Street.
Grandview Street	On the north side between Clay Street and Simon Drive.
Hazzard Street	On both sides from Corina Street to Washington Street.
Hocking Street	On the east side from Morrene Drive to Mosquito Road.
	On the east side from Morrene Drive to the northerly terminus of Hocking Street.
Jeffrey Lane	On the cul-de-sac at the westerly terminus of Jeffrey Lane.
Locust Street	On the east and west sides from the Main Street intersection northerly to the north side of the Locust Street Bridge over Hangtown Creek.
	On the west side from the southerly end of the Highway 50 bridge abutment to the Main Street intersection.
Main Street	There shall be limited parking zones (green zones) established at the following locations:
	Adjacent to the business at 88 Main Street (30 minute green zone).
	Adjacent to the business at 103 Main Street (30 minute green zone).
	Adjacent to the business at 138 Main Street (20 minute green zone).
	Adjacent to the business at 250 Main Street (20 minute green zone).
	Adjacent to the business at 339 Main Street just west of the crosswalk (20 minute green zone).
	Adjacent to the business at 348 Main Street (20 minute green zone).
	Adjacent to the business at 359 Main Street just east of the red zone/fire hydrant (20 minute green zone).
	Adjacent to the business at 413 Main Street (20 minute green zone).
	Adjacent to the business at 525 Main Street (12 minute green zone).
	Adjacent to the business at 533 Main Street (12 minute green zone).
	Adjacent to the business at 537 Main Street (12 minute green zone).
	Adjacent to the business at 542 Main Street (12 minute green zone).
	Adjacent to the business at 585 Main Street (12 minute green zone).
	Adjacent to the business between 120 and 132 Main Street (2 hour parking signage designation).

		Adjacent to the businesses at 617 and 619 Main Street (20 minute green zone).
		Adjacent to the businesses at 360 - 364 Main Street just east of the crosswalk (20 minute green zone).
		On both sides of the driveway at 532 Main Street (12 minute green zone).
		On the Center Street side from the northeasterly corner of the business at 339 Main Street to a point midway between the northwesterly and northeasterly corner of the business located at 359 Main Street (20 minute green zone).
Marshall Way	On either side of Marshall Way.	
Molly Lane	On the east side from Bee Street northerly to a point lying 100 feet northeasterly of Weaver Way.	
	On the west side from Bee Street northerly 600 feet.	
Morrene Drive	On either side from a point 525 feet north of Hocking Street to a point 575 feet north of Hocking Street.	
	On the west side from a point 250 feet north of Hocking Street to the intersection with Hocking Street.	
Mosquito Road	On the east side from the intersection of the El Dorado Trail to a point 200 feet north.	
Moulton Drive	On the west side from Canal Street to a point 60 feet north of Canal Street.	
Myrtle Avenue	On the easterly side from Canal Street, southerly 250 feet.	
	On the westerly side from Canal Street, southerly to Olivene Court.	
Norman Street	On both sides along its entire length with the exception of the north side of its northerly most loop.	
Old Canal Street	On the west side from Main Street to its northerly terminus.	
	There shall be a limited parking zone on Old Canal Street, east side. 5 spaces as marked shall be permit parking and the remaining spaces shall be 2 hour parking.	
Old Spring Street	There shall be no parking or standing of vehicles on the west side of Old Spring Street between Main Street and Hangtown Creek. This restriction on parking shall take effect as soon as either signs or markings giving adequate notice have been placed in the restricted area.	
Pacific Street	On the north side between Cedar Ravine Road to a point 100 feet west of Cedar Ravine Road.	
	On the north side between Meridian and Goldner Streets.	
	On the north side from Benham Street to a point 100 feet west of Sacramento Street.	
	On the south side from a point 110 feet east of Benham Street to a point 180 feet	

	east of Benham Street.
	On the south side from Cedar Ravine Road to a point 150 feet west of Cedar Ravine Road.
	On the south side from Sacramento Street to Chapel Street.
	There shall be a limited parking zone (2 hour) on Pacific Street from Main Street to Sacramento Street Monday through Sunday 8:00 A.M. to 7:00 P.M.
Placerville Drive	On the east side from Ray Lawyer Drive to a point 850 feet northerly.
	On the east side from Ray Lawyer Drive to a point 850 feet southerly.
	On the north side in front of 583 Placerville Drive.
	On the north side in front of 611 Placerville Drive.
	On the south side adjacent to the business at 386 Placerville Drive.
	On the west side from 55 Placerville Drive to 99 Placerville Drive.
	There shall be a 4 hour parking zone established on the access road adjacent to the Placerville Drive entrance to the El Dorado County Fairgrounds.
Pleasant Street	On both sides from Bedford Avenue to its easterly terminus.
Point View Drive	On the north side adjacent to the residence at 1889 Point View Drive.
	On the south side from Cardinel Drive to a point 150 feet west of Cardinel Drive.
Quartz Alley	From Main Street to Reservoir Street.
Ray Lawyer Drive	On the north side from Placerville Drive to Fair Lane.
	On the south side from a point 1,750 feet east of the access road into the Cosumnes River College campus to Fair Lane.
	On the south side from Placerville Drive to the access road into Venture Village Shopping Center.
	There shall be a limited parking zone (12 minute green zone) established on the south side of Ray Lawyer Drive at the following location:
	From the westerly end of the bridge abutment to a point 25 feet westerly.
Ridgecrest Court	On the east side from Woodridge Court to a point 100 feet south of Woodridge Court.
Sacramento Street	On the east side from a point 120 feet north of Pacific Street to a point 150 feet south of Pacific Street.
Schnell School Road	On the west side from the northwest intersection of the Highway 50 westbound on ramp extending 75 feet north.
Sheridan Street	On the west side from Thompson Way to Main Street.

Simon Drive	On the north side from the westerly end of the driveway of the welfare office to the most westerly end of the cul-de-sac on Simon Drive.
	On the south side.
Spanish Ravine Road	On the north side from a point 47 feet east of Washington Street to a point 350 feet east of Washington Street.
	On the north side from Main Street to Washington Street.
	On the north side from Washington Street to a point 27 feet east of Washington Street.
	On the south side from Washington Street to a point 350 feet east of Washington Street.
Spear Street	On the east side from Moulton Drive to its northerly terminus.
Spring Street	From 500 feet north of Highway 50 to a point 800 feet north of Highway 50.
	On either side from Bedford Avenue to the intersection of Garden Street.
	On the north side from Elstner Street to a point 40 feet east of Elstner Street.
Stout Court	Along the northerly terminus adjacent to the Highway 50 right of way fence.
	On the east side from Broadway to a point 115 feet north of Broadway.
	On the west side from a point 115 feet north of Broadway to a point 175 feet north of Broadway.
Thompson Way	On the north side from a point 350 feet west of Sheridan Street to a point 750 feet west of Sheridan Street.
Tunnel Street	On both sides from Manor Drive to a point 1,050 feet northerly.
Turner Street	From Sherman Street to Corker Street with the exception of the following locations:
	The east side from Corker Street to a point 240 feet northerly.
	The west side from Corker Street to a point 185 feet northerly.
Washington Street	There shall be no parking on Washington Street.
Willow Street	On the west side of the northerly loop of Willow Street from Anderson Way to a point 25 feet north of Anderson Way.
Woodridge Court	On the east side from Cold Springs Road to its northerly terminus.

(Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-9: REGULATION OF TRAFFIC ON STATE HIGHWAYS:

Any provision of this code which regulates traffic or delegates the regulation of traffic upon state highways in any way for which the approval of the department of transportation, state of California, is required by state law, shall cease to be operative six (6) months after receipt by the council of written notice of withdrawal of approval of the state department.

Whenever this code delegates authority to a city officer or traffic committee, or authorizes action by the council to regulate traffic upon a state highway in any way which by state law requires the prior approval of the state department of transportation, no such officer or traffic committee shall exercise such authority nor shall such action by the council be effective with respect to any state highway without the prior approval in writing of the state department of transportation when and to the extent required by the Vehicle Code.

The council may, by resolution, establish on said state highways, any of the parking zones described in this chapter, subject to the approval of the state department of transportation as prescribed above. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-10: BLUE CURB PARKING SPACES:

(A) Use Of Blue Curb Spaces: Persons using "blue curb" parking spaces shall comply with the following:

1. No person shall park or stand any vehicle in a disabled persons parking zone (blue curb) unless said vehicle bears a special license or displays a special placard issued under the provisions of section 9105 or 22511.5 of the California Vehicle Code.

2. Blue curb parking spaces shall be operative twenty four (24) hours a day, Sunday and holidays included.

3. Parking zones for the physically handicapped are subject to any temporary parking prohibitions established by the city.

(B) On Street Parking: The chief of police shall designate special "blue curb" parking spaces for the purpose of providing on street parking for the exclusive use by physically handicapped persons.

(C) Off Street/Publicly Owned Facilities: The chief of police shall designate parking stalls or spaces in publicly owned, leased or controlled off street parking facilities for exclusive use by physically handicapped persons.

(D) Off Street/Privately Financed Facilities: The city hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by physically

handicapped persons. The city police department is authorized to enforce this provision.

(E) Identification:

1. On Street Blue Curb Spaces: Blue curb spaces shall be indicated by blue paint on the curb edge of the paved portion of the street. For further identification, the international symbol of access, may be painted on the blue curb in white followed by the word "ONLY". In addition a sign not less than seventeen inches by twenty two inches (17" x 22") with lettering not less than one inch (1") in height shall be posted stating:

   Vehicles not displaying handicapped license plates or placards will be subject to a fine and/or tow away. Vehicles will be towed away at the owner's expense, and may be reclaimed by telephoning 530-642-5280.

2. Off Street/Publicly Owned Facilities: Designation of "blue curb" parking stalls in publicly financed off street parking facilities shall be made by position immediately adjacent to, and visible from same, a sign consisting of the international symbol of access. In addition a sign not less than seventeen inches by twenty two inches (17" x 22") in size must be posted either at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall(s), which states with lettering not less than one inch (1") in height: "Vehicles not displaying handicapped license plates or placards will be subject to a fine and/or tow away. Vehicles will be towed away at the owner's expense, and may be reclaimed by telephoning 530-642-5280". All signs shall be posted at a height of eighty inches (80") from the ground.

3. Off Street/Privately Financed Facilities: Designation of "blue curb" parking stalls in privately financed off street parking facilities shall be made by posting immediately adjacent to, and visible from same a sign consisting of the international symbol of access. In addition, a sign not less than seventeen inches by twenty two inches (17" x 22") in size with lettering not less than one inch (1") in height which clearly states: "Vehicles not displaying handicapped license plates or placards will be towed away at owner's expense. Towed vehicles may be reclaimed by telephoning 530-642-5280". This sign shall be posted at the entrance to the parking facility or immediately adjacent to, and visible from the reserved stall(s).

   Note: The person in lawful possession of the parking facility may then and only after first contacting the local police cause the removal of a violator's automobile from the stall to the nearest public garage.

   A sign must be posted at the entry to all off street parking facilities to the effect that the facility is subject to all public traffic regulations and control.

   All signs shall be posted at a height of eighty inches (80") from the ground. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-11: RESTRICTED PARKING OF INANIMATE OBJECTS:

(A) Reserved.

(B) Any duly authorized police officer is hereby authorized to remove or cause to be removed any inanimate object other than a motorized vehicle which is parked on the streets or in the parking lots of the city.

(C) After having been removed from the street or parking lot, the inanimate object shall be stored by the city at the city of Placerville corporation yard. As soon as the owner of the inanimate object has been discovered, notice shall be given to the owner that the inanimate object has been stored at the corporation yard of the city and the owner shall be entitled to retake possession of the inanimate object at any time during normal working hours.

(D) The person owning the inanimate object shall pay a storage charge to the city of twenty dollars ($20.00) for each day the inanimate object has been stored by the city, which said sum shall be payable within thirty (30) days after the owner has retaken possession of the inanimate object. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-12: RESTRICTED OFF STREET PARKING:

(A) Handicapped Parking: It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if, immediately adjacent to and visible from such stall or space, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background, unless the vehicle displays either one of the distinguishing license plates or a placard issued pursuant to sections 22511.55 and 22511.59 or to disabled veterans, as specified in section 5007 of the California Vehicle Code.

City owned off street parking facilities subject to this section are:

Center Street Lot
Center Street Parking Structure
Fox Lot
Ivy House
Milton Lot
Mooney Lot
Old City Hall Lot
Placerville Station I
Placerville Station II
Tetrault Lot

(B) Limited Parking Spaces: There shall be four (4) limited parking spaces (2 hour green zone) established at the northerly terminus of Old Canal Street. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-13: LOADING AND UNLOADING ZONES:

(A) Ten Minute White Zones: There shall be loading/unloading zones (10 minute white zone) established at the following locations:

Ray Lawyer Drive	On the south side beginning at a point 185 feet east of the Armory Drive intersection and terminating 209 feet east of the Armory Drive intersection.
	On the south side beginning at a point 440 feet east of the Armory Drive intersection and terminating 460 feet east of the Armory Drive intersection.
Spanish Ravine Road	On the north side from a point 27 feet east of Washington Street to a point 47 feet east of Washington Street.

(B) Twenty Minute Yellow Zones: Commercial vehicle loading/unloading zones (20 minute yellow zones) shall be established at the following intersections:

1. On the north side of Main Street beginning at a point two hundred twenty feet (220') east of the Locust Street intersection and terminating two hundred sixty feet (260') east of the Locust Street intersection.

2. Adjacent to the business at 312 Main Street.

3. On the Center Street side from roughly the midpoint between the northeasterly and northwesterly corners of the businesses located at 359 Main Street to the westerly rear side of the business located at 379 Main Street.

4. Adjacent to the businesses at 400 - 430 Main Street.

5. Adjacent to the business at 447 Main Street.

6. Adjacent to the businesses at 482 and 484 Main Street.

7. On the west side of Pacific Street (State Route 49) beginning at a point eighty feet (80') south of the Main Street intersection and terminating one hundred seventy feet (170') south of the Main Street intersection.

8. Adjacent to the south side of the business located at 3025 Sacramento Street.

9. On the east side of the Conrad Court cul-de-sac, from a point forty feet (40') south of the north driveway, extending forty feet (40') to the south. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-3-14: RESIDENTS ONLY PARKING ZONES:

Only residents displaying a city issued residential parking permit will be allowed to park between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. on nonholiday weekdays on the following streets:

Acacia Way	East side between the southerly and northerly terminus of Bennett Drive.
	East side from the southerly intersection of Bennett Drive to a point 125 feet south.
Bee Street	On the northerly side from a point lying 35 feet east of Acacia Way to a point lying 80 feet east of Molly Lane.
	On the south side from a point lying 25 feet east of Simas Way to a point lying 80 feet east of Molly Lane.
	On the south side from a point lying 265 feet west of Coloma Street to a point lying 180 feet west of Coloma Street.
	On the southeast side from a point lying 138 feet east of Canal Street to a point lying 80 feet west of Simas Way.
Bennett Drive	Both sides between its southerly and northerly terminus with Acacia Way.
Canal Street	On the southerly side from a point lying 85 feet west of Myrtle Avenue to a point lying 190 feet east of Myrtle Avenue.
Fairview Drive	On the easterly side from a point lying 50 feet southwesterly of Canal Street, southerly to the terminus of the street.
	On the westerly side from a point lying 100 feet southwesterly of Canal Street, southerly to the terminus of the street.
Lynne Court	On both sides from Fairview Drive to its southerly terminus.
Molly Lane	On the easterly side from a point lying 100 feet northerly of Weaver Way, northerly 300 feet to a point lying 400 feet northerly of Weaver Way.
Myrtle Avenue	On both sides from a point lying 175 feet southerly of Olivene Court, southeasterly 550 feet to Myrtle Court.
	On the westerly side from Olivene Court, southerly 175 feet.
Simas Way	On both sides from Canal Street to Bee Street.

(Res. 5438, 11-12-1991; amd. Ord. 1535, 7- 9-1996; Ord. 1544, 9-9-1997; Ord. 1587, 9-24-2002; Ord. 1613, 9-26-2006)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

Chapter 4
MUNICIPAL PARKING LOTS

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-4-1: REGULATION AND CONTROL OF PARKING LOTS:

The council may, by resolution, declare the necessity for the use of parking meters on any parking lot within the city that is municipally owned or controlled; may fix and determine traffic patterns for the movement of traffic on municipally owned or controlled parking lots and govern the ingress and egress thereto and therefrom, and adopt other resolutions for the regulation of lots, and when the council regularly passes and adopts any resolution for any purpose, the same shall control the use of the area affected thereby. (Ord. 739, 6-18-1951)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-4-2: PARKING LOTS; PARKING RESTRICTIONS:

It shall be unlawful for any person on any public parking lot which is municipally owned or controlled:

(A) To park or place any vehicle on any portion of the lot in such a manner as to interfere with or restrict the freedom of traffic movement between the areas indicated for parking or to interfere with the free ingress or egress to and from said lot.

(B) To park any vehicle with a trailer or any other thing attached thereto which extends into the areas commonly used for traffic movement.

(C) To park or place any vehicle or thing on any portion of the property which has been marked in red or by pavement stripes or words or signs to indicate that no parking is permitted.

(D) To park any vehicle or thing in any manner except entirely within the area indicated for vehicular parking by parallel lines painted upon the paved surface or in any manner so that any portion of the vehicle or thing extends over or across any line painted on the paved portion of the property.

(E) To move any vehicle on any lot at any speed exceeding ten (10) miles per hour or at any speed greater than that posted at the entrance to any lot.

(F) To fail to place the name and address of the driver, the name and address of the registered owner and the registration number of any vehicle that has collided with any other vehicle or thing on the parking lot on the vehicle or thing collided with if the same be unattended, or to give such information to the person in charge of the other vehicle or thing if the same be attended.

(G) To permit any vehicle to be parked overtime or beyond any period of time declared by the council to be the maximum time for parking on such lot, whether in the same space or different spaces in the same parking lot. Any vehicle parked in violation of this section, and having been cited for that violation, is guilty of a separate and additional violation for each complete time period equal to the

maximum time for parking in such lot. The fine for a violation of this section shall be as set forth in section 9-5-3 of this title.

(H) To leave any vehicle or thing in any parking stall at any time between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. of any day.

(I) To park or place any truck exceeding one ton rated capacity upon any portion of any such parking lot.

(J) To drink any alcoholic beverage on the parking lot at any time of day or night.

(K) To ride or operate any skateboard, bicycle, roller skates, go-cart or any similar device not a registered and licensed motor vehicle in, or upon, any parking lot except when in conjunction with a sponsored and supervised activity sanctioned by the city.

(L) To move any vehicle in a direction contrary to a specified direction of travel as indicated by any traffic control device, arrow or other sign.

(M) To erase, obliterate or otherwise remove or conceal a chalk mark placed on a vehicle by a police department employee or a parking enforcement agent designated by the city council for the purposes of determining overtime parking. Conviction of a violation of this subsection is punishable by a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for a first violation; a fine of not less than one hundred dollars ($100.00) nor more than one hundred fifty dollars ($150.00) for a second violation of this subsection within one year; and a fine of not less than one hundred fifty dollars ($150.00) nor more than two hundred fifty dollars ($250.00) for each additional violation of this subsection within one year. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-4-3: ISSUANCE OF CITATION FOR VIOLATION:

The police department or any agency or entity and its employees designated by the city council are hereby empowered to issue citations in the usual form and manner for any violations of any provisions of this chapter or chapter 3 of this title. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-4-4: PARKING DISTRICT 1:

Parking district 1 is hereby declared to be from, and to be bounded as described in exhibit on file in the office of the clerk and by reference made a part hereof. The property proposed to be acquired for public parking purposes is described as follows:

Parcel 1. A parcel of land consisting of Lots 24 to 34 in Block 33, and the southwest portion of Lot 23,

Block 33, having a frontage of 15.76 feet on Center Street and 7.3 feet on Hangtown Creek.

Parcel 2. A parcel of land consisting of Lot 14, Block 41; the east 12.25 feet of Lot 6, Block 41, excepting the southeast 3 feet thereof; and the portion of Lot 1 Block 41 lying northwest of the northwest line of the lands now or formerly of Otto K. Weichold.

No public ways are proposed to be acquired for ingress to or egress from said parking places.

The improvements proposed to be made or constructed on the parking places are: grading and the construction thereon of pavement, curbs, drains, lights, fences, rails, meters, and any buildings or structures necessary for the proper operation thereof; and the making of all acquisitions and the construction of all improvements and the performance of work auxiliary thereto necessary to complete same as off street parking facilities. (Ord. 761, 5-24-1954)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-4-5: PUBLIC PARKING FACILITIES:

It is declared and agreed that the lands hereinafter described, already owned by the city and located within the boundaries of parking district 1 therein, which lands are either now being used for the purpose of public off street parking or are not needed by the city for any other purpose and are available for such use, shall be held, used and treated in all respects the same as the parking places to be acquired with the proceeds of bonds to be issued for the further acquisition and improvement of public parking facilities pursuant to proceedings initiated by the filing with the clerk of a certified copy of resolution 1639, entitled "a resolution requesting and determining that proceedings be taken for the further acquisition and improvement of public parking facilities and for the issuance of bonds therefor", adopted July 9, 1968, by the council functioning with the powers, jurisdiction and authority granted to, and the duties imposed upon, a parking place commission under the parking district law of 1951.

Without limiting the generality of the first paragraph hereof, the net revenues to be derived from the operation of off street parking facilities on such lands shall be allocated and pledged, as a lien thereon subject and subordinate only to any allocation, pledge, claim or lien thereon of the city of Placerville municipal improvement bonds, parking district 1, series 54-1, or any bonds issued upon the refunding thereof in accordance with the resolution providing for the issuance of such series 54-1 bonds, to the payment of the principal and interest of the bonds to be issued pursuant to the proceedings referred to in the first paragraph hereof, and the establishment and maintenance of any reserve funds, sinking funds or other funds designed for securing or paying such bonds and the interest thereon, as provided in the said resolution.

No compensation shall be paid to the city for such lands.

The lands hereinabove referred to are described as follows:

(A) The Coloma Street lots: All that certain property situated in the city of Placerville, county of El Dorado, state of California, more particularly described as follows:

A parcel of land consisting of Lot 14, Block 41; the east 12.25 feet of Lot 6, Block 41, excepting the southeast 82 feet thereof, and the portion of Lot 13, Block 41, lying northwest of the northwest line of the lands now or formerly of Otto K. Weichold, et ux.

(B) The Center Street lots: All that certain property situated in the city of Placerville, county of El Dorado, state of California, more particularly described as follows:

Beginning at the northeast corner of that certain 0.838 acre tract of land as shown on that certain record of survey entitled "Portions of Block 38, Center Street and Hangtown Creek, City of Placerville, California" recorded in the office of the Recorder of El Dorado County in Book 2, of Surveys, Page 46, said point being on the southwesterly line of Lot 22, Block 38, as said Lot and Block are shown on the Official Map and Survey of the City of Placerville, said northeast corner being located the following (2) bearings and distances from a cross cut on a sidewalk marking the southwest corner of said Block 38; (1) N. 58°52'10" E. 388.98 feet and (2) N. 27°11'02" W. 60.00 feet, thence from said point of beginning, southeasterly along the southwesterly line, as extended, of said Lot 22 129.86 feet to the southeast corner of the property herein described, thence along the newly established northerly property line of Block 39, of the City of Placerville, the following courses and bearings S. 66°37'47" W., 59.35 feet S. 63°49'01" W., 38.24 feet S. 61°28'31" W. 130.48 feet S. 64°11'36" W., 102.01 feet to the southwest corner of the property herein described, thence N. 24°28'47" W. 93.50 feet, thence N. 56°43'19" E. 53.90 feet, thence N. 32°28" W. 22.77 feet to the southeasterly right-of-way line of the Southern Pacific Company, thence northeasterly along the southeasterly right-of-way line to a point on the northerly extension of the southwesterly line of said Lot 22; thence along the southwesterly line of said Lot 22, as extended, southeasterly to the point of beginning.
(Ord. 980, 7-9-1968)

(C) The old city hall lots: All that certain property situated in the city of Placerville, county of El Dorado, state of California, more particularly described as follows: (Ord. 980, 7-9-1968; amd. Ord. 1612, 7-11-2006)

Lot 7, Block 38, Book 59, Page 504, and a portion of the Lot is used for parking and another portion for City Hall building (building occupies the southern 85 feet of Lot).

Portion of Lot 8, Block 38, Book 428, Page 412 (all parking).

Lot 6, Block 38, a portion of Lot is used for parking, other portion is used for City Hall building (building occupies the southern 85 feet of Lot). The following book and pages refer to this Lot: Book 556, Page 285, Book 556, Page 282, Book 488, Page 120 and Book 488, Page 122, all in Official Records of El Dorado County.

(D) The Fox lots: All that certain property situated in the city of Placerville, county of El Dorado, state of California, more particularly described as follows:

Lots 8, 9 and 10, Block 41, Map of the City of Placerville, California.
(Ord. 980, 7-9-1968)

(E) The Nichols Lot: All of that portion of lot 23, block 38, of the city of Placerville, county of El Dorado, state of California, more particularly described as follows:

Commencing at the S.E. corner of Lot 23, Block 38, in the City of Placerville, as much lot existed prior to the recent vacation of Center Street, thence along the north line of Center Street recently vacated S. 73°41' W. a distance of 25.33 feet to the S.W. corner of the herein described parcel as such parcel existed prior to the recent vacation of Center Street; thence N. 29°35' W. a distance of 39.56 feet, thence N. 57°04'50" E., a distance of 25.12 feet, to a $^{3}/_{4}$ inch capped iron pipe; thence S. 29°00' E. a distance of 46.85 feet more or less to the point of beginning.

(F) The Milton Lot: Legal description on file in the office of the city clerk.

(G) The Tetrault Lot: Legal description on file in the office of the city clerk.

(H) The Gillette Lot: Legal description on file in the office of the city clerk. (Ord. 1297, 3-9-1982)

(I) The Town Hall Lot: Legal description on file in the office of the city clerk. (Ord. 1297, 3-9-1982; amd. Ord. 1612, 7-11-2006)

(J) The Mooney Lot: All that real property located within the city as shown on that certain parcel map as being "parcel A" on file in the office of the county recorder of the county of El Dorado, state of California, in book 7 of parcel maps at page 31. (Ord. 1317, 4-12-1983)

(K) The Public Safety Building Lot: Legal description on file in the office of the city clerk. (Ord. 1527, 7-25-1995)

(L) The Mosquito Road Park And Bus Facility at 2964 Mosquito Road: (Legal description on file in the office of the city clerk.) This facility is not included in parking district 1 as defined herein, but is included in the inventory of public parking facilities for the purposes of maintenance and enforcement. (Ord. 1579, 9-25-2001)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-4-6: GENERAL AND HOURLY PARKING RESTRICTIONS; MUNICIPAL LOTS:

(A) Standard Limitations:

1. Unless otherwise specified below, vehicles may be parked in a municipal parking lot for a period not to exceed two (2) hours, or in excess of that, provided payment has been made for said excess time. Municipal parking lots between the eastern terminus of Main Street at Broadway and the western terminus of Main Street shall be considered a limited time parking zone for the purposes of subsection 9-3-3(D) of this title.

2. No vehicle or object may be stored in any parking stall at any time between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. of any day. However, overnight permits may be approved and issued by the city administration department.

3. Unless specified otherwise, all parking limitations shall be in effect seven (7) days per week, Monday through Sunday eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. except holidays.

(B) Permit Parking Spaces:

1. Permit parking shall be eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. seven (7) days per week.

(C) Special Parking Limitations; Municipal Lots: The following restrictions shall be applicable to the municipal lots listed below and except as provided herein, shall be effective seven (7) days a week, eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M.:

1. Lots:

Center Street Parking Structure: Two (2) hour free parking permitted on the first and second levels. Additional time over two (2) hours may be purchased at one of the pay stations. The third level shall be reserved for leased/permit parking only. A limited amount of leased parking shall also be available on the second floor.

Ivy House Lot: No vehicle or person shall be allowed on the Ivy House Lot between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M., except by a permit issued through the police department for a special event or commercial activity.

Mooney Lot, Milton Lot, Tetrault Lot, Fox Lot, Ivy House Lot, Old City Hall Lot, Nichols Lot: Two (2) hour free parking shall be permitted in each of these lots. Additional time over two (2) hours may be purchased and shall be evidenced by the appropriately displayed parking receipt on the dashboard of a vehicle.

Municipal lot located at the corner of Coloma and Conrad Streets: Eight (8) hour parking limit.

Public Safety Building Lot: No parking shall be allowed in the Public Safety Building Lot except for persons conducting business at the public safety building.

Town Hall Lot: There shall be designated two (2) parking spaces in which parking shall be limited to twelve (12) minutes and which will be reserved for the public conducting business with the community services department. Additional spaces as necessary shall be reserved for employees of the community services department. All remaining spaces shall be limited to two (2) hour free parking.

2. Rates And Fees: Hourly rates for overtime parking in excess of two (2) hours shall be by resolution of the city council. Fees for leased/permit parking shall also be set by resolution of the city council. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-4-7: MONTHLY PARKING REQUIREMENT:

(A) Monthly parking fees for eight (8) hour parking on lots owned or operated by the city shall be established by resolution of the city council. (Ord. 1297, 3-9-1982)

(B) Parking permits shall be issued by the city to those persons renting a parking space on a specific interval as established by agreement between the city and the permit holder. (Ord. 1537, 10-22-1996)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-4-8: PARKING RESTRICTIONS; SIGNAGE:

Signs shall be posted at the entrances of all municipal parking lots setting forth applicable restrictions. (Ord. 1537, 10-22-1996)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

Chapter 5
PARKING METER ZONES

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-5-1: UNLAWFUL PARKING IN PARKING ZONES:

It shall be unlawful and a violation of the provisions of this title for any person to permit any vehicle registered in the name of, or operated by the person, to be parked overtime or beyond the period of legal parking time established for any parking zone as described in section 9-3-3 of this title. (Ord. 1160, 7-11-1978)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES.
Go to new ordinance.

9-5-2: DUTY OF POLICE OFFICERS; REPORTS:

It shall be the duty of the city assigned parking enforcement officer to enforce parking provisions within the parking district defined in section 9-4-4 of this title between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M. seven (7) days per week.

It shall be the duty of the police officers of the city, acting in accordance with and pursuant to instructions issued by the chief of police, outside of the enforcement performed by the parking enforcement officer, to report:

(A) The state license number of the vehicle violating any parking regulation of the city.

(B) The time of day during which the vehicle is parking in violation of any of the parking provisions of the city.

(C) The duration of the time in excess of the legal parking time during which the vehicle is parking in violation of any of the parking provisions of the city.

(D) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation. Each police officer shall also attach to the vehicle a notice to the owner or operator thereof that the vehicle has been parked in violation of a provision of this code and the notice shall instruct the owner or operator to report at the office of the judge of the justice court in regard to the violation. (Ord. 1688, 2-28-2017)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-5-3: FINES:

(A) Fines for violations of any of the sections of this chapter and chapters 3 and 4 of this title, unless otherwise stated therein, shall be set by a master parking fine resolution of the city council establishing the fines for any such violations. Said master parking fine resolution may be amended from time to time at the discretion of the city council.

(B) Multiple violations by the same vehicle within any twenty four (24) hour period of the same section shall cause the fine to be doubled for such subsequent violations.

(C) The failure of the owner or operator to make the payment of the fines hereinabove specified within thirty (30) days shall render the owner or operator subject to an additional penalty in the amount of twenty three dollars ($23.00).

(D) Nonpayment of the fines and penalty amounts shall result in a lien being placed against the registration of the vehicle with the state of California department of motor vehicles.

(E) The city manager and/or chief of police shall have the authority to issue one day exemptions for overtime parking for individuals parking within the city. (Ord. 1596, 1-13-2004)

This section has been affected by a recently passed ordinance, 1701 - PUBLIC PARKING FACILITIES. Go to new ordinance.

9-5-4: MARKING OF SPACES ON PAVEMENT:

The city shall have lines or markings and numbers painted or placed upon the curb and/or upon the pavement adjacent to each parking space for the purpose of designating the parking space for purchasing additional time, and each vehicle shall park within the lines or markings so established. It shall be unlawful and a violation of this chapter to park any vehicle across any line or marking or to park the vehicle in such position that the same shall not be entirely within the area so designated by the lines or markings. Any vehicle parked in any parking space shall be parked with the foremost part of such vehicle nearest to such meter, curb, bumper stop or other concrete or fiber abutment. (Ord. 1688, 2-28-2017)

Chapter 6
REMOVAL OF VEHICLES

9-6-1: REMOVAL OF ILLEGALLY PARKED VEHICLES:

Any duly authorized police officer, or any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations (herein referred to as parking code enforcement aide), is hereby authorized to remove, or cause the removal of, a vehicle from any street or off street parking lot, when the vehicle is left parked, standing or abandoned in an unusual position which obstructs the normal movement of traffic thereon, or when the vehicle has been parked or left standing for seventy two (72) or more consecutive hours, or when a vehicle is illegally parked in a zone that has been posted for the purpose of the necessary cleaning, repairing or construction of streets or off street parking lots, or for the installation of utilities, or when the street or off street parking lot or any portion thereof is authorized by local authorities for a purpose other than normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of a vehicle would prohibit or interfere with the use or movement and signs, giving notice that the vehicle may be removed, are erected or placed at least twenty four (24) hours prior to the removal by local authorities pursuant to this chapter, or as may be further authorized by the Vehicle Code of the state. (Ord. 1515, 1-10-1995)

9-6-2: REMOVAL OF STOLEN VEHICLES FROM PRIVATE PROPERTY:

Any duly authorized police officer may also remove a vehicle from private property when the vehicle is found on private property and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled. (Ord. 836, 4-4-1960)

9-6-3: NOTICE OF REMOVAL:

Whenever a police officer, or any regularly employed and salaried employee, who is engaged in directing or enforcing parking laws and regulations (herein referred to as parking code enforcement aide), causes the removal of a vehicle from a street or off street parking lot, as herein authorized, and the police officer or parking code enforcement aide knows, or is able to ascertain from the department of motor vehicles, the name and address of the owner thereof, the police officer or parking code enforcement aide shall immediately give, or cause to be given, notice in writing to the owner of the fact of the removal, the grounds thereof, and of the place to which the vehicle has been removed. A copy of the notice shall be given to the operator of the garage wherein the vehicle is stored. When the police officer or parking code enforcement aide removing a vehicle from a street or off street parking lot does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner, as herein provided, and in the event the vehicle is not returned to the owner within a period of seventy two (72) hours, then and in that event the police officer or parking code enforcement aide shall immediately send, or cause to be sent, written report of the removal, by mail, to the department of motor vehicles in Sacramento, and shall file a copy of the notice with the operator of the garage in which the vehicle may be stored. The report shall include a complete description of the vehicle, the date, time, the place from which removed, the grounds for the removal, and the name of the garage where the vehicle is stored. (Ord. 1515, 1-10-1995)

9-6-4: GARAGE OPERATOR'S LIEN:

Whenever any vehicle has been removed to a garage under the provisions of this chapter and the operator of the garage has received the notice from the arresting officer, as provided herein, the operator shall have a lien, dependent upon possession, for his compensation for towage and for caring for and keeping safe the vehicle for a period not exceeding ninety (90) days. (Ord. 836, 4-4-1960)

Chapter 7
ONE-WAY STREETS

9-7-1: ONE-WAY STREETS DESIGNATED:

The following streets and alleys shall be designated as one-way streets and it shall be unlawful for traffic to travel in any direction on the streets other than the direction herein specified:

Street	Direction
Anderson Way loop beginning at the easterly most intersection and continuing north and west to the point of origin.	
Bedford Avenue, from Spring Street (State Route 50) to Pleasant Street	Northerly
Carey Alley between Sacramento Street and Charles Street	Westerly
Center Street, from Coloma Street to Main Street	Easterly
Crismon Street (emergency vehicles only)	Northerly
Franklin Street from easterly end of Anderson Street to westerly end of Anderson Street	Westerly
Gilmore Street to Big Cut Road	Easterly
Marshal Way south from Cedar Ravine to Gold Street	Easterly
Myrtle Avenue in a northerly direction, from Wentworth Court to Myrtle Court	Northerly
Norman Street in a northerly direction from 250 feet southwesterly of its intersection with Lincoln Alley to its northerly terminus with Lincoln Street	Northerly
Quartz Alley, from Main Street to Reservoir Street	Southerly
Rector Street, from Main Street to Chamberlain Street	Southerly
Reservoir Street	Easterly
Sheridan from Thompson Way to Main Street	Northerly
Washington Street, uphill from its most northerly intersection with Hazzard Street to Sherman Street	Southerly

(Ord. 692, 2-7-1944; amd. Ord. 732, 5-15-1950; Ord. 801, 4-15-1958; Ord. 884, 1-17-1963; Ord. 908, 5-28-1964; Ord. 933, 1966; Ord. 2257, 8-9-1977; Ord. 2400, 7-11-1978; Ord. 1221, 4-8-1980; Res. 4698, 2-10-1987; Res. 4963, 8-23-1988; Res. 5040, 4-11-1989; Res. 5175, 4-10-1990; Res. 5703, 9-14-1993)

Chapter 8
BICYCLES AND SKATEBOARDS

9-8-1: BICYCLES:

9-8-1-1: LICENSE REQUIRED:

It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets or alleys of the city without first obtaining a license which shall be issued by the fire department of the city. (Ord. 1019, 12-12-1972; amd. Ord. 1052, 2-12-1974)

9-8-1-2: APPLICATION; TERM OF LICENSE:

The fire department is hereby authorized and directed to issue, upon written application, bicycle licenses which shall be permanent. The licenses, when issued, shall entitle the licensee to operate the bicycle for which the license has been issued upon all the streets and alleys, exclusive of the sidewalks thereof, in the city. (Ord. 1019, 12-12-1972; amd. Ord. 1052, 2-12-1974)

9-8-1-3: LICENSE SEALS; REGISTRATION CARDS:

The fire department shall have an aluminum seal placed on the frame of the bicycle at the time the license is issued. (Ord. 1019, 12-12-1972; amd. Ord. 1052, 2-12-1974)

9-8-1-4: BICYCLE DEALERS; REPORTS:

All persons engaged in the business of buying secondhand bicycles are hereby required to make daily reports to the fire department, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the aluminum seal found thereon. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make a daily report to the fire department giving a list of all sales made by the persons, which list shall include the name and address of each person to whom a bicycle has been sold, together with a description and the frame number thereof. (Ord. 1019, 12-12-1972; amd. Ord. 1052, 2-12-1974)

9-8-1-5: SALE OR TRANSFER; REPORT:

It shall be the duty of every person who sells or transfers the ownership of any bicycle to report the sale or transfer by returning to the fire department the registration card issued to the person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred, and the report shall be made within five (5) days of the date of the sale or transfer. It shall be the duty of the purchaser or transferee of the bicycle to apply for a transfer of registration therefor within five (5) days following the sale or transfer. (Ord. 1019, 12-12-1972; amd. Ord. 1052, 2-12-1974)

9-8-1-6: DESTROYING SERIAL NUMBER OR LICENSE SEAL PROHIBITED:

It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate, or alter the number of any bicycle frame licensed pursuant to this chapter. It shall also be unlawful for any person to remove, destroy, mutilate, or alter any seal or registration card, during the time in which the seal or registration card is operative; provided, however, that nothing in this chapter shall prohibit the fire department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the serial number is illegible or insufficient for identification purposes. (Ord. 1019, 12-12-1972; amd. Ord. 1052, 2-12-1974)

9-8-1-7: RIDING ON SIDEWALK PROHIBITED:

It shall be unlawful for any person to ride a bicycle on any sidewalk in the city. (Ord. 1019, 12-12-1972)

9-8-1-8: RIDING ON PEDESTRIAN OVERPASS PROHIBITED:

It shall be unlawful for any person to ride any bicycle, roller skates, or any other type of wheeled vehicle on any pedestrian overpass crossing the freeway in the city. (Ord. 1019, 12-12-1972)

9-8-1-9: LIGHTING EQUIPMENT:

It shall be unlawful for any person to ride a bicycle on any of the streets of the city between the hours of one-half ($^1/_2$) hour after sunset and one-half ($^1/_2$) hour prior to sunrise unless the bicycle is equipped with a headlight that can be seen for a distance of at least three hundred feet (300') and with a taillight reflector that can be seen for a distance of at least two hundred feet (200'). (Ord. 1019, 12-12-1972)

9-8-1-10: VIOLATION; IMPOUNDMENT OF BICYCLE:

Any person violating any of the provisions of sections 9-8-1-1 through 9-8-1-9 of this chapter shall be deemed guilty of a misdemeanor and in addition to any penalty imposed, the police department may impound and retain possession of any bicycle operated in violation of any of the provisions of this section 9-8-1 until the license provided for herein is obtained or any fine imposed is fully paid. (Ord. 1019, 12-12-1972)

9-8-1-11: BICYCLE LANES ESTABLISHED:

It is hereby resolved that bicycle lanes be established and are hereby established on:

(A) Both sides of Ray Lawyer Drive from Placerville Drive to Fair Lane. (Ord. 2401, 7-11-1978)

(B) North side of Ray Lawyer Drive from Placerville Drive to Fair Lane.

Be it further resolved that the bicycle lanes hereby established shall be constructed in compliance with the provisions pertaining to bikeways in section 890 et seq., of the Streets and Highways Code. (Res. 2754, 7-22-1980)

9-8-2: SKATEBOARDS AND ROLLER SKATES ON PUBLIC WAYS:

9-8-2-1: RESTRICTIONS WHILE RIDING ROLLER SKATES AND SKATEBOARDS:

It shall be unlawful for any person upon roller skates or riding upon a skateboard, coaster, or similar device, to go upon any public street within the city limits in violation of the following restrictions:

(A) Such use shall not occur between sunset and sunrise.

(B) Persons upon roller skates or riding upon a skateboard, coaster, or similar device, shall ride as near to the right side of the roadway as practicable.

(C) No person upon roller skates or riding upon a skateboard, coaster, or similar device, shall attach the same or himself to any other vehicle.

(D) Persons upon roller skates or riding upon a skateboard, coaster, or similar device, shall yield the right of way to all motor vehicles and pedestrians.

(E) No person shall be on roller skates or ride upon a skateboard, coaster, or similar device, when approaching or upon the crest of a grade or a curve in a street where the view of such person is obstructed within such distance as to create a hazard from an approaching motor vehicle.

(F) No person shall be on roller skates or shall ride upon a skateboard, coaster, or similar device, on any street or sidewalk in a business district. The term "business district" shall have the meaning given to it by section 235 of the California Vehicle Code.

(G) Except as herein provided, any person upon roller skates or riding a skateboard, coaster, or similar device, shall be subject to all of the duties applicable to the driver of a vehicle under the California

Vehicle Code, except those provisions which, by their very nature, can have no application. (Ord. 1518, 2-14-1995)

9-8-2-2: OTHER RESTRICTIONS:

It shall be unlawful to ride or propel any skateboard, scooter, roller skate or rollerblade within or upon the following areas:

(A) Any privately owned property without the consent of the owner, provided the private property owner posts a sign that prohibits the conduct and references this section. The posting of a sign is not required for this section to apply to single-family residential property.

(B) Any public property if the property owner posts a sign that prohibits the conduct and references this section. (Ord. 1591, 1-14-2003)

9-8-2-3: PENALTY:

Any person who shall be convicted of a violation of any of the provisions of sections 9-8-2-1 and 9-8-2-2 of this chapter shall be deemed guilty of an infraction and may be punishable by a fine not to exceed fifty dollars ($50.00). In addition, at the time of citation, any peace officer shall have the discretion to impound the skateboard, scooter, roller skates or rollerblades as evidence pending the adjudication of the infraction, and, at the time of impoundment, shall issue the owner or operator thereof a receipt for all impounded property. (Ord. 1591, 1-14-2003)

Chapter 9
ABANDONED, WRECKED VEHICLES

9-9-1: NUISANCE DECLARED:

(A) In addition to and in accordance with the determination made and the authority granted by the state of California under section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the council of the city hereby makes the following findings:

1. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(B) As used in this chapter:

HIGHWAY: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes "street".

PUBLIC PROPERTY: The term "public property" does not include "highway".

VEHICLE: A device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 986, 11-26-1968)

9-9-2: EXCEPTIONS:

This chapter shall not apply to:

(A) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(B) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or

(C) A vehicle or part thereof which is located behind a solid fence six feet (6') in height or which is not plainly visible from a highway.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division II of the Vehicle Code and this chapter. (Ord. 986, 11-26-1968)

9-9-3: OTHER RELIEF:

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction. (Ord. 986, 11-26-1968)

9-9-4: ENFORCEMENT:

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the police department. In the enforcement of this chapter such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or part thereof) declared to be a nuisance pursuant to this chapter. (Ord. 986, 11-26-1968)

9-9-5: ENTER ON PRIVATE PROPERTY:

When the council has contracted with or granted a franchise to any person, such person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

If the local agency determines that commercial channels of disposition are not available or are inadequate, it may dispose of the vehicles by removal to any suitable site. The local agency may make final disposition of such vehicles or parts thereof or may transfer such vehicles or parts to another, provided such disposal is only for scrap. (Ord. 986, 11-26-1968)

9-9-6: COSTS:

The council shall from time to time determine and fix an amount to be assessed as administrative costs under this chapter. (Ord. 986, 11-26-1968)

9-9-7: HEARING, NOTICE:

The police department shall notify the owner of an abandoned, wrecked, dismantled or inoperative vehicle and the owner of the land on which such vehicle is located of its intent to have the vehicle removed pursuant to this chapter. Said notice shall be mailed at least twenty (20) days before the date set for removal of the vehicle. The notice shall inform the owner of the city's intent to remove the vehicle pursuant to this chapter and the date of said removal. The notice shall further inform the owner that the owner may request a public hearing on the question of abandonment and removal of the vehicle. Said request shall be transmitted to the police department, in writing, at least five (5) days before the date set for removal. A public hearing shall be held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked, dismantled or inoperative vehicle, if such hearing is requested by the owner of the vehicle or the owner of the land on which the vehicle is located. At such hearing, if same is requested, the matter of and the assessment of administrative costs and the cost of removal of the vehicle or part thereof against the property on which it is located will also be considered and determined. Notice of hearing shall be mailed at least ten (10) days before the hearing by certified mail, with a five (5) day return requested, to the owner of the land as shown on the last equalized county assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. If any of the foregoing notices are returned undelivered by the United States post office, the hearing shall be continued to a date not less than ten (10) days from the date of the return. (Ord. 1465, 4-24-1990)

9-9-8: NOTICE OF HEARING:

Notice of hearing shall also be given to the California highway patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least ten (10) days prior to the public hearing. (Ord. 986, 11-26-1968)

9-9-9: HEARING, PROCEDURE:

(A) All hearings, if requested, under this chapter, shall be held before the city council which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or part thereof, and the circumstances concerning its location on the private property or public property. The hearing body shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

(B) The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the city council may find that a vehicle or part thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order it removed from the property as a public nuisance and disposed of as provided in this chapter and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if available at the site.

(C) If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the city council shall not assess costs of administration or cost of removal of the vehicle against the property on which the vehicle is located or otherwise attempt to collect the cost from the landowner.

(D) If an interested party makes a written presentation to the city council, but does not appear, he shall be notified in writing of the decision. (Ord. 1465, 4-24-1990)

9-9-10: REMOVAL:

The vehicle or part thereof declared to be a public nuisance shall be removed on the date set for removal by the police department as contained in the notice to the owner of the vehicle and/or the owner of the land on which the vehicle is located. In the event a public hearing is requested by the owner of the vehicle or the owner of the land on which the vehicle is located, the vehicle will be removed five (5) days after the decision of the city council authorizing removal. The vehicle or parts thereof may be disposed of by removal to a scrap yard or auto dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable. (Ord. 1465, 4-24-1990)

9-9-11: NOTICE OF REMOVAL:

Within five (5) days after the date of removal of the vehicle or part thereof, notice shall be given to the department of motor vehicles identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 1465, 4-24-1990)

9-9-12: COSTS ASSESSED:

If the administrative costs, and the cost of removal which are charged against the owner of a parcel of land pursuant to section 9-9-9 of this chapter, are not paid within thirty (30) days of the date of the order, such costs shall be assessed against the parcel of land pursuant to section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes. (Ord. 1465, 4-24-1990)

Title 10
ZONING

This section has been affected by a recently passed ordinance, Res 8479 - PROHIBITING NONMEDICAL MARIJUANA . Go to new ordinance.

Chapter 1
GENERAL

10-1-0: ENTITLEMENT EXTENSIONS:

Any references in this title indicating a time period affecting entitlements under sections 10-3-6, "Conditional Use Permit And Variance Procedure", and 10-4-9, "Site Plan Review", of this title, that had been approved, that had not expired on April 1, 2015, and that will expire before January 1, 2016, shall extend the expiration time set forth for a period of twenty four (24) months retroactive to April 1, 2015, for all current and valid entitlements and permits existing as of the effective date. Further, this section will expire without further council action twenty four (24) months from the adoption of this section. (Ord. 1669, 3-24-2015)

10-1-1: NAME:

This title shall be known and may be cited as the *PLACERVILLE ZONING ORDINANCE.* It shall be referred to hereinafter as "this title", and the term shall include any subsequent amendment thereof. (Ord. 1474, 1-8-1991)

10-1-2: AUTHORITY AND PURPOSE:

This title is enacted pursuant to article XI, section II of the constitution of the state of California and to the provisions of chapter 4, title 7 (section 65000 and subsequent sections), chapter 10, title 3 (sections 26027 and 26028) and of chapter 2, title 5 (section 50495) of the California Government Code. This title establishes certain regulations on land and structures in order to protect and promote the health, safety, and welfare of the public, and ensure the orderly development of the city. The purpose of this title, among other further and more specific purposes, is to preserve and enhance the quality of the human environment, to promote the most desirable use of land, to conserve property values, to strengthen the economic base of the city, and to safeguard the public from future undue expenditures, all of which are in accordance with, and in implementation of, the general plan of the city. (Ord. 1474, 1-8-1991)

10-1-3: RULES OF CONSTRUCTION:

For the purpose of this title certain grammatical forms used herein are construed as follows, unless the context of a particular provision clearly requires a different construction:

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

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

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

(D) The general includes the particular, but the particular controls the general.

(E) "Shall" denotes a mandatory provision, and "may" a permissive provision. (Ord. 1474, 1-8-1991)

10-1-4: DEFINITIONS:

Certain words and phrases, when used in this title, are defined as follows unless the context of a particular provision clearly requires a different definition:

ACCESSORY: Customarily incidental, related and subordinate to the principal legal use of the parcel and located on the same parcel.

ANIMAL SHELTER OR CLINIC: Place where four (4) or more household pets, livestock, poultry or other animals of more than four (4) months of age are kept, boarded, trained or cared for.

ANTIQUE STORE: An exclusively indoor retail establishment whose primary products that are sold or exchanged derive their value from the fact that the products belong to, or were made in, a former period, as compared to a present or contemporary good or product.

ARCADE: Any establishment where the principal use is for the operation of electronic, mechanical or video games.

AUTOMOTIVE SERVICE STATION: Retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work are excluded except where such uses are otherwise permitted.

BUILDING: Roofed structure designed or used for the support, shelter or enclosure of persons, animals, vehicles or material of any kind.

BUILDING COVERAGE: Total of ground floor areas of all buildings, including accessory buildings, occupying a parcel, expressed as a percentage of the area of such parcel.

BUILDING HEIGHT: As defined in the California building code.

CHURCH: Any structure, property, or any part thereof, used primarily for religious worship or related religious activities.

CITY: The city of Placerville, state of California.

COLLECTION FACILITY: A center for the acceptance by donation, redemption or purchase of recyclable materials from the public. A collection facility includes the following:

Large Collection Facility: A facility which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

Processing Facility: A building or enclosed space used for the collection and processing of recyclable materials including preparation of material for efficient shipment, bricketing, compacting, flattening, grinding, crushing, sorting, shredding, cleaning and remanufacturing.

Reverse Vending Machine: An automated mechanical device which accepts at least one or more types of empty beverage containers; including, but not limited to, aluminum, glass, plastic bottles and issues a cash refund or redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided the entire process is enclosed within the machine.

Small Collection Facility: A facility which occupies an area of not more than five hundred (500) square feet which may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines occupying more than fifty (50) square feet. Kiosk type units which may include permanent structures or unattended containers placed for the donation of recyclable materials. A collection facility does not use power driven processing equipment.

COMMISSION: The planning commission of the city of Placerville.

COMMUNITY CARE FACILITY: Any facility, place or building which is maintained and operated to provide nonmedical residential care, daycare or house finding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons.

A community care facility may provide incidental medical services. Community care facilities are broken down into four (4) subcategories as follows:

Daycare Center: A facility which provides nonmedical care to persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty four (24) hour basis.

House Finding Agency: An individual or organization engaged in finding homes or other places for placement of persons of any age for temporary or permanent care or adoption.

Residential Care Facility: A facility licensed by the State of California where care, services or treatment is provided to persons living in a community residential setting.

Residential Service Facility: A residential facility (e.g., transitional and supportive housing) other than a residential care facility where the operator receives compensation for the provision of personal services, in addition to housing, including, but not limited to, protection, supervision,

assistance, guidance, training, therapy or other nonmedical care.

CONDOMINIUM: A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

CONSIGNMENT STORE: An exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product.

COUNCIL: The City Council of the City of Placerville.

DAYCARE FACILITY: Any child daycare facility other than a family daycare home including infant centers, preschools and extended daycare facilities.

DAYS: Calendar days, except when last day falls on a Saturday, Sunday or legal holiday in which case the following day is included.

DENSITY: The number of dwelling units per acre.

DIRECTOR: The City of Placerville Development Services Director.

DWELLING, MULTI-FAMILY: A building or portion thereof designed for occupancy by two (2) or more persons or households living independently of each other in separate units. Includes apartments, townhouses or similar buildings.

DWELLING, SINGLE-FAMILY: A detached building designed exclusively for occupancy by, or occupied by, one household or family for residential purposes. This classification includes factory built, modular housing units constructed in compliance with the City's adopted Building Code and mobilehomes/manufactured housing on permanent foundations.

DWELLING, TOWNHOUSE: A dwelling unit in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

DWELLING UNIT: Building or self-contained portion thereof, designed, or used as living quarters for not more than one family; a manufactured home on a permanent foundation system; rental unit, such as in a motel, hotel or rooming house, containing cooking or housekeeping facilities; exclusive of mobilehomes.

DWELLING UNIT, ACCESSORY (ADU): An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include a kitchen as defined herein, as well as permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary residence is situated.

DWELLING UNIT, ATTACHED: A dwelling unit joined to one or more other dwellings by common vertical walls (e.g., duplex, triplex, townhouse, residential condominium, etc.).

DWELLING UNIT, ATTACHED ACCESSORY: An ADU that occupies part of the floor area of the existing residence, including an ADU attached to the existing residence by one or more common walls.

DWELLING UNIT, DETACHED: A dwelling unit that is not attached to any other dwelling by any physical means.

DWELLING UNIT, DETACHED ACCESSORY: A new or existing structure that is located on the property such that the unit does not share any walls with the primary residence.

ELECTRONIC, MECHANICAL OR VIDEO GAMES: Any machine, apparatus, contrivance, appliance or device which may be operated or played upon the placing or depositing therein of any coin, check, token, slug, ball or any other article or device, or by paying therefor either in advance of or after use, involving in its use either skill or chance, including, but not limited to, tape machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horseracing machine, basketball game machine, baseball game machine, football game machine, electronic video games or any other similar machine or device.

EMERGENCY SHELTER: Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person.

EMPLOYEE HOUSING, LARGE: Housing for employees consisting of no more than thirty six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household, in accordance with section 17000 et seq., of the California Health and Safety Code.

EMPLOYEE HOUSING, SMALL: Housing for employees consisting of six (6) or fewer persons in a single-family home, in accordance with section 17000 et seq., of the California Health and Safety Code.

FAMILY: One or more persons occupying the premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity, sorority house, lodging house, rooming house or boarding house. A family shall be deemed to include necessary servants.

FAMILY DAYCARE HOME: A home which regularly provides care, protection and supervision of twelve (12) or fewer children for periods of less than twenty four (24) hours per day while the parents or guardians are away and includes the following:

(A) Small family daycare home: A home which provides family daycare to six (6) or fewer children including children who reside at home.

(B) Medium family daycare home: A home which provides family daycare to seven (7) to twelve (12) children inclusive including children who reside at home.

(C) Large family daycare home: A home which provides family daycare to greater than twelve (12) children including children who reside at home.

FAST FOOD RESTAURANT: Any retail establishment intended to provide primarily short order food service for on site dining and/or food takeout, including self-service restaurants, except cafeterias where food is consumed on the premises; drive-in restaurants; and formula restaurants required by contractual or other agreements to offer standardized menus, ingredients and fast food preparation.

FLOOR AREA: Total gross area of all floors with a ceiling height of seven feet (7') or more of all buildings occupying a parcel, measured horizontally from the exterior faces of exterior walls of foundations, inclusive of enclosed or roofed porches or terraces, and exclusive of inner courts open vertically to the sky, and basements unless designed or used for the primary use of the building.

FLOOR AREA RATIO: The gross floor area of all buildings on a lot divided by the lot area.

FORMULA BUSINESS: Any business with a proposed or existing exterior design (appearance, colors,

signage) that is essentially identical to five (5) or more other business sites using the same or similar name or identity.

GROUND LEVEL: Average elevation of the finished ground levels contiguous to the centers of the exterior walls or foundations of a building; when the front wall of a building is parallel to and not more than five feet (5') from the street right-of-way, the ground level shall be the elevation of the crown of the street at a point opposite the center of such front wall.

GUESTHOUSE: Detached building designed or used as sleeping quarters without cooking or housekeeping facilities, accessory to a one-family dwelling and exclusive of a mobilehome.

HEALTH FACILITY: Any facility providing or designed to provide services for the acute, convalescent and chronically ill and impaired, including, but not limited to, public health centers, community mental health centers, facilities for the mentally retarded, nonprofit community care facilities that provide care habilitation, rehabilitation or treatment to mentally impaired persons, and related facilities, such as laboratories, outpatient departments, extended care, nurses, home and training facilities, office and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. Except for facilities for the mentally retarded, "health facility" does not include any institution furnishing primarily domiciliary (residential) care.

HOME OCCUPATIONS: An occupation carried on within a dwelling by the residents thereof, which use is incidental and accessory to the residential use of the dwelling, provided that the residential character of the dwelling is maintained and the home occupation is conducted in such a manner as to not give an outward appearance nor outwardly manifest any character of a business or home occupation, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not: a) occupy more than ten percent (10%) of the area of the residence, b) change the use or occupancy of an accessory building, c) involve on site retail sales of merchandise, and d) does not generate more than four (4) vehicle trips per day (a "vehicle trip" is defined as 1 round trip to and from the site).

HOTEL OR MOTEL: Building or group of buildings containing six (6) or more rental units with or without meals provided for the guests.

JUNKYARD: Storage of waste or salvaged metal or material, unused vehicles, dismantling or demolition of machinery or vehicles, covering more than two hundred fifty (250) square feet of land and not within a completely enclosed building.

KITCHEN: A room or portion thereof containing permanent facilities designed and used for food preparation, cooking, eating and dish washing. A kitchen shall include all of the following: a sink with hot and cold running water; a range or stove-top and an oven; at a minimum, an apartment-sized refrigerator of more than five (5) cubic feet capacity; and built-in dish and utensil storage spaces. In addition to the aforementioned improvements, a kitchen may also include any of the following: microwave, convection oven, hot plate or automatic dish washer.

LIVING AREA: The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

MOBILEHOME: See subsection 10-4-15(D) of this title.

MOBILEHOME PARK: See subsection 10-4-15(D) of this title.

OFF SITE OUTDOOR ADVERTISING DEVICES: A structure of any kind or character erected or maintained for off site outdoor advertising purposes upon which any poster, bill, painting, statuary or

advertising of any kind whatsoever may be placed.

OFFICE: Place where business is transacted or services are offered without the handling of goods or products.

OWNER: Person having title to real property, singly or jointly, in fee simple, life estate, or under a term of ten (10) years or more.

PARCEL: All contiguous land held by one owner and not traversed by a public street.

PARCEL AREA: Land within the boundaries of a parcel measured horizontally, exclusive of: vehicular rights-of-way or easements not for the exclusive use of the parcel on which it is located; access strip to the parcel in excess of five percent (5%) of the total parcel area; all land normally under water for all or part of the year.

PARCEL, CORNER: A parcel located at the intersection of two (2) streets having an angle of not more than one hundred twenty degrees (120°).

PARCEL FRONTAGE: The width of the lot measured at the front yard setback line.

PARCEL WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between front and rear lot lines. In the case of a lot with a long narrow appendage abutting the street, the horizontal distance shall be measured at a point midway between the rear lot line and the beginning of the main body of the lot.

PASSAGEWAY: A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of an accessory dwelling unit.

PAWNSHOP: An exclusively indoor retail use in which any person, firm or corporation, other than banks, trust companies or bond brokers who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a loan or pawn office or engages in or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans or as security or in pawn for the repayment of monies, and exacts an interest or any other charge for such loans.

PERSON: Individual, firm, corporation, partnership, association or similar entity.

PLACE OF ENTERTAINMENT: Facility for theater, dance, sports or other amusements.

RECREATIONAL VEHICLE PARKS: A plot of ground upon which two (2) or more sites for camping or recreational vehicles are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes for a period of no longer than thirty (30) days per calendar year per use.

RECYCLABLE MATERIAL: Reusable material including, but not limited to, metals, glass, plastic and paper which are intended for reuse or remanufacture for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials.

ROOMING OR BOARDING HOUSE: Building containing not more than five (5) rental units designed or used for the lodging of three (3) or more persons with or without meals provided.

SATELLITE DISH ANTENNA: A parabolic or dish shaped antenna of either solid or mesh construction intended for the purpose of receiving communications from an orbiting satellite transceiver or any other fixed land base transceiver.

SCHOOL: Any institution of learning for minors, whether private or public, offering a regular course of instruction required by the California Education Code. This definition shall include a nursery school, kindergarten, elementary school, middle school, or junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institute of higher education, including a community or junior college, college, or university.

SINGLE HOUSEKEEPING UNIT: The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas in sharing household activities and responsibilities such as meals, chores and expenses.

SINGLE ROOM OCCUPANCY FACILITY: A residential building including six (6) or more single room occupancy units, meeting the development standards within section 10-4-8 of this title, along with the general regulations within the allowed zones. A single room occupancy facility does not include community care facilities, residential care facilities, residential service facilities, rooming or boarding houses, hotels and motels, bed and breakfast establishments.

SINGLE ROOM OCCUPANCY (SRO) UNIT: A residential living space which is a component of an SRO facility, as defined, and meeting the development standards within section 10-4-8 of this title.

STORY: Part of a building between the level of any floor and the level of the floor next above or the ceiling above in the case of the uppermost floor. A basement or cellar with a ceiling height of seven feet (7') or more shall be considered a story if the vertical distance from ground level to ceiling exceeds the vertical distance from ground level to floor below; a mezzanine with a ceiling height of seven feet (7') or more shall be considered a story if its floor area exceeds one-third ($^1/_3$) of the floor area immediately below it.

STORY, HALF: Uppermost story with a floor area not exceeding two-thirds ($^2/_3$) of the floor area immediately below it; an attic with a ceiling height of seven feet (7') or more shall be considered a half story if its floor area exceeds one-third ($^1/_3$) of the floor area immediately below it.

STREET: Any land permanently designed or used for the passage of vehicles, not for the exclusive access to one parcel, whether in public or private ownership. The right-of-way lines of such streets are those established by recorded subdivision maps, precise street plans, deeds or other instruments creating them. The right-of-way lines of streets created by use without instruments follow the limits of such use and its accessory drainageways.

STRUCTURE: Anything constructed or erected, requiring placement on or in the ground directly or by means of another structure.

SUPPORTIVE HOUSING: Housing with no limit on length of stay, that is occupied by a target population, and that is linked to on site or off site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TARGET POPULATION: Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (division 4.5 [commencing with section 4500] of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

TRANSMISSION LINE: Power line of fifty thousand (50,000) volts potential or over; sewer or water line of twelve inches (12") inside diameter or over; gas pipe of six inches (6") inside diameter or over; toll telephone line.

USE: Purpose for which a parcel or structure is occupied, maintained, designed or intended.

USED MERCHANDISE STORE: An exclusively indoor retail establishment which primarily sells or resells common contemporary household, clothing, consumer products, appliances and similar products. Such uses include, but are not limited to, "thrift" stores, "Salvation Army" stores, "Goodwill" stores, "secondhand" stores, and "charity" stores. This definition includes used merchandise stores that are operated for profit as well as nonprofit, charitable or religious organizations.

YARD: Open space unoccupied from the ground level vertically to the sky on a parcel within the following areas:

Front Yard: Area between any contiguous street right-of-way and a line drawn parallel thereto at such distance therefrom as specified in this title for any zone, and extending between side parcel lines.

Rear Yard: Area between the rear parcel line and a line drawn parallel thereto at such distance therefrom as specified in this title for any zone and extending between side parcel lines.

Side Yard: Area between each side parcel line and a line drawn parallel thereto at such distance therefrom as specified in this zoning ordinance for any zone. (Ord. 1474, 1-8-1991; amd. Ord. 1538, 2-11-1997; Ord. 1548B, 6-23-1998; Ord. 1585, 5-14-2002; Ord. 1597, 2-24-2004; Ord. 1598, 6-22-2004; Ord. 1627, 9-9-2008; Ord. 1636, 4-27-2010; Ord. 1642, 6-14-2011; Ord. 1650, 7-10-2012; Ord. 1654, 6-25-2013; Ord. 1664, 9-23-2014; Ord. 1666, 9-23-2014; Ord. 1667, 10-28-2014; Ord. 1679, 2-9-2016; Ord. 1692, 10-24-2017)

10-1-5: SEPARABILITY:

(A) Should any part or provision of this zoning title be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this zoning ordinance as a whole or any part thereof other than the part or provisions so declared invalid or unconstitutional.

(B) Should the applicability of any provision of this zoning title to any parcel of land or structure be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the applicability of such provisions to other parcels or structures. (Ord. 1474, 1-8-1991)

10-1-6: REPEALS:

All ordinances of this City, or parts or amendments thereof, in conflict with this zoning title, to the extent of such conflict and no further, are hereby repealed. (Ord. 1474, 1-8-1991)

10-1-7: AMENDMENTS:

(A) Amendments to this title may be initiated by one of the following procedures:

1. Resolution of intention or minute order of the City Council.

2. Resolution of intention of the Planning Commission.

3. Petition of an owner of property affected by amendment. Such petition shall be filed with the commission on a form furnished by said commission accompanied by a fee set by resolution of the City Council, no part of which may be refunded.

(B) Within forty (40) days after the application for amendment is deemed complete and the completion of the necessary environmental documents as set forth in the California Environmental Quality Act of 1970 as amended, the commission shall consider the proposed amendment, set a time and place for a public hearing thereon within thirty (30) days thereafter, and cause notice of such hearing to be published one time in a regular issue of a newspaper of general circulation in the City at least ten (10) days before the date of hearing. The notice shall state the purpose of the amendment, or the location of the property affected and the change of zoning classification sought, and the time and place of the hearing. If the hearing is continued by the commission, and the time and place announced publicly at the time of adjournment of the hearing, no further notice is required.

(C) The commission shall hold a public hearing on the proposed amendment at a regular or special meeting of the commission. Following the hearing, the commission shall cause a report on the proposed amendment to be filed with the Council. Failure of the commission to report within forty (40) days after the hearing shall be deemed to be a favorable recommendation of the proposed amendment.

(D) Upon receipt of the commission's report, or upon expiration of such forty (40) days, the Council within thirty (30) days thereafter shall hold a hearing on the proposed amendment in accordance with the same procedure specified for the commission. Following this hearing the Council may adopt or reject the amendment or any part thereof as set forth in the report of the commission. Any major modifications made by the Council to the proposed amendment not set forth in the original resolution or petition, or in the commission's report, shall require additional review and report by the Planning Commission. The City Council may continue action for forty (40) days pending report from the Planning Commission. If the Planning Commission fails to report within forty (40) days, the City Council may proceed without Planning Commission report.

(E) No petition shall be reconsidered and no new petition shall be considered for any zoning title amendment previously acted upon by the commission within a year after the date of such action unless the commission establishes that there has been a substantial change in the circumstances under consideration in the original proceedings. (Ord. 1474, 1-8-1991)

Chapter 2
APPLICABILITY

10-2-1: TERRITORY:

This title shall apply to all incorporated land within the boundaries of the city. This title shall apply to all land annexed to the city after the effective date of this title. (Ord. 1474, 1-8-1991)

10-2-2: PUBLIC AGENCIES:

Except as otherwise specified hereinafter, this title shall apply to all agencies of the United States, and any state, county, city and public district insofar as such chapter does not conflict with any valid law of the United States or the state of California. All the required fees are waived for these agencies. (Ord. 1474, 1-8-1991)

10-2-3: CONFLICTS:

This title shall not be construed to reduce, annul or otherwise interfere with private easements, covenants or agreements; provided, however, that the provisions of this title shall govern whenever this title is more restrictive. (Ord. 1474, 1-8-1991)

10-2-4: ZONE BOUNDARIES:

(A) All of the incorporated territory of the city is divided into areas known as "zones" designated in section 10-5-1 of this title within which separate uniform regulations are imposed. The boundaries of these zones are shown and described on a map entitled "Zoning, City Of Placerville" and made a part of this title by reference. A copy of this map, showing all the current amendments thereof, shall be kept and may be consulted in the office of the development services department. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(B) Zone boundaries shown on this map shall be further determined as follows:

1. The boundary of a zone abutting the city limits shall be such limits.

2. Where a zone boundary is shown as approximately following a property line, a section line, or the line of a legal subdivision of a section, or where such boundary is located not farther than fifteen feet (15') from such lines, the zone boundary shall coincide with such lines.

3. Unless otherwise shown, the boundary of a zone abutting a street, waterway, railroad, or similar right of way, shall be the centerline of such right of way, and the side boundaries shall extend to the centerline normally to such right of way.

4. In all other cases, the location of a zone boundary shall be determined by the use of the scale appearing on the map and of the surveys, records, and other documents necessary to clarify the description of land and boundaries shown on the map.

5. Zone boundaries shall extend vertically upward and downward from the ground.

6. Where a zone boundary divides a parcel under one ownership in existence prior to the effective date of this zone boundary and when not less than one-half ($^1/_2$) the area of such parcel lies in

the less restricted zone, the regulations for the less restricted zone shall apply to the remainder of such parcel up to a distance of not more than thirty feet (30').

7. In case uncertainty exists on the location of a zone boundary, the commission, on request or on its own initiative, shall determine the exact location of such a boundary. (Ord. 1474, 1-8-1991)

10-2-5: NONCONFORMING USES, STRUCTURES AND LOTS:

(A) The intent and purpose of this section is to declare uses, structures, and lots legally existing on the effective date of this title as nonconforming uses, structures, and lots and to encourage those that are incompatible to be brought into conformity within a reasonable period of time.

(B) Nonconforming uses, structures and lots shall be defined as follows:

1. Compatible Uses: Structures and lots are those which are generally not detrimental to the zone in which they are located:

   (a) Residential uses and structures located in residential zones which do not comply with the current requirements for the residential zone in which they are located, but did comply at the time of their construction.

   (b) Residential uses and structures located in other than residential zones.

   (c) Commercial and general commercial uses and structures located in other zones which have been determined by the planning commission to be compatible.

   (d) Nonconforming structures or premises which have historic significance that have been so designated by the city council.

   (e) Nonconforming parcels or lots which were created prior to the adoption of this title in a legal manner.

2. Incompatible Nonconforming Uses: Structures and lots that are not defined as compatible in subsection (B)1 of this section.

(C) Nonconforming uses, structures and premises are subject to the following termination provisions and such nonconforming uses, structures and premises so terminated shall not be reestablished:

1. Incompatible nonconforming uses in structures or on premises which have been discontinued for any reason for a period of six (6) months.

2. Changing any nonconforming use or increasing the area of such nonconforming use except as provided in this section.

3. The removal or destruction of a nonconforming use or structure.

4. The damage or destruction of a structure or use to the extent exceeding fifty percent (50%) of its current replacement costs.

(D) Modification may be made to compatible nonconforming uses, structures and premises if they comply with current provisions of this chapter or meet the following requirements:

1. Residential uses and structures in residential zones may be remodeled or rehabilitated, provided the use or structure is not enlarged.

2. Residential structures in residential zones may be added to or enlarged if the structure is nonconforming only because of noncompliance with the required height, yard and parking requirements; provided such new additions or enlargements comply with all requirements for new structures and off street parking is provided in accordance with the requirements for new residential structures.

3. Multi-family residential uses, structures or premises designated in subsection (B)1(b) of this section may be added to or enlarged provided a conditional use permit is obtained as required by sections 10-3-3 through 10-3-7 of this title and a site plan review, if required, by section 10-4-9 of this title. (Ord. 1487, 1-14-1992)

4. Single-family residential uses, structures, or premises designated in subsection (B)1 of this section may be reconstructed, added to or enlarged provided that the other provisions of this title are met. (Ord. 1654, 6-25-2013)

5. Commercial and general commercial uses, structures or premises designated in subsection (B)1(c) of this section may be modified or additions added (up to 10 percent of the current use area or not more than 400 square feet) providing a conditional use permit is obtained as required by sections 10-3-3 through 10-3-7 of this title.

6. Parcels and lots as designated in subsection (B)1(e) of this section may be developed or existing uses or structures expanded providing all other requirements of this title are met.

(E) A residential use nonconforming because of density may be reestablished with a conditional use permit as provided in sections 10-3-3 thorough 10-3-7 of this title and site plan review if required by section 10-4-9 of this title; provided, that the total floor area is not expanded and all other provisions of this title are met. (Ord. 1487, 1-14-1992)

Chapter 3
ADMINISTRATION

10-3-1: PLANNING COMMISSION:

The commission shall:

(A) Supervise the administration of this zoning title.

(B) Adopt rules and procedures necessary or convenient for the filing of use permits, variances, site plans and petitions.

(C) Act upon all applications for use permits, variances and site plans.

(D) Make recommendations to the council upon amendments to zone changes or to changes to the provisions of this chapter.

(E) By resolution, minute order request or on its own initiative, adopt rules implementing the general zoning regulations of this zoning ordinance by:

1. Setting forth additional specific uses allowed by right and by use permit which are in the opinion of the commission similar or accessory to those listed in this zoning ordinance and conform to the purposes of the zone regulations.

2. Setting forth additional specific uses for which parking space is required which are in the opinion of the commission similar or accessory to those listed in this zoning ordinance.

3. Setting forth standards of odor, gas, fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, radioactivity or waste allowable beyond the confines of property.

(F) Make recommendation to the city council on applications for subdivision maps. (Ord. 1474, 1-8-1991)

(G) Applications being processed concurrently with an application requiring city council action shall be scheduled for public hearing before the planning commission for its recommendation and the city council for final action. (Ord. 1654, 6-25-2013)

10-3-2: DEVELOPMENT SERVICES DEPARTMENT:

The development services department shall assist in the administration of this title by: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(A) Processing and investigating all applications for use permit variances and site plans.

(B) Reviewing applications for building permits and other licenses referred to it to determine their compliance with this title.

(C) All other administrative permits whose purpose and procedures are set forth herein. (Ord. 1474, 1-8-1991)

10-3-3: CONDITIONAL USE PERMITS:

Certain uses may be permitted in zones in which they are not otherwise outright permitted by this chapter, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan, and are not detrimental to surrounding property. (Ord. 1474, 1-8-1991)

10-3-4: USES PERMITTED IN ANY ZONE:

The following uses may be permitted in any zone upon the granting of a conditional use permit:

Airports or aircraft landing fields (FAA approved).

Churches or other places used exclusively for religious worship.

City, county, state and federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantageous to the general welfare of the community.

Communication equipment buildings.

Educational institutions including elementary and secondary schools and colleges.

Health facilities and community care facilities.

Institutions of a philanthropic nature (charitable nonprofit organizations).

Large family daycare homes.

Libraries and museums.

Mortuaries, cemeteries and expansion of existing cemeteries.

Natural resources development together with the necessary buildings, apparatus or appurtenances incident thereto.

Public parks, playgrounds, golf courses, community buildings and country clubs.

Public utility or public service buildings, structures and uses.

Radio, microwave, television and telephone transmitters and broadcasting stations, including amateur and professional.

Real estate tract offices and accessory signs.

Residential care facilities and residential service facilities for seven (7) or more residents.

Residential care facilities and residential service facilities for six (6) or fewer residents when such a facility is located at a distance of one thousand feet (1,000') or less from an existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Tandem parking spaces as specified in subsection 10-4-4(C)10 of this title. (Ord. 1474, 1-8-1991; amd. Ord. 1548B, 6-23-1998)

10-3-5: VARIANCES:

(A) The commission may grant a variance to authorize a specific exception to any regulation of this title in accordance with the procedure specified in section 10-3-6 of this chapter.

(B) The commission may grant variances from the terms of the zoning regulations contained in this title only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property or for purposes of granting density greater than that permitted in the zone. The provisions of this section shall not apply to conditional use permits. (Ord. 1474, 1-8-1991)

10-3-6: CONDITIONAL USE PERMIT AND VARIANCE PROCEDURE:

The granting of conditional use permits and variances shall be in accordance with the following procedure: (Ord. 1474, 1-8-1991)

(A) Application for a conditional use permit or variance shall be filed with the development services department on a form furnished by said department, accompanied by a site plan and fee set by resolution of the city council, no part of which may be refunded. When the applicant is not the owner of the property, the written authorization of the owner shall accompany the application. The application shall not be accepted for filing by said department unless it conforms to the filing requirements established by the commission. The requirement that the applicant for a conditional use permit or variance be the owner of the property or written authorization be obtained from the owner shall not apply to public utilities or other agencies with powers of eminent domain.

(B) The development services department shall set the hearing date and shall give notice of application and hearing by mailing notices to all property owners within three hundred feet (300') of the exterior boundaries of the subject property, using the ownerships, names and addresses from the last adopted tax roll. The notice shall state the name of the applicant, the location of the property, the use or exception applied for, and the time and place of the hearing. The failure of any property owner to receive the notice shall not invalidate the proceedings. If the hearing is continued by the commission, and the time and place announced publicly at the time of adjournment of the hearing, no further notice is required. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(C) Within forty (40) days after the application is deemed complete, the planning commission shall hold a public hearing on the application at a regular or special meeting of the commission. Failure of the commission to make a decision on an application within thirty (30) days after the hearing shall constitute a denial of the application, and the secretary of the commission shall certify such denial.

(D) The commission may require such terms and conditions to the granting of a conditional use permit or variance as the commission may deem necessary. Noncompliance with these terms or conditions shall be a cause of revocation of such permit or variance. Revisions to the terms or conditions of a granted permit or variance shall require a new permit or variance.

(E) All conditional use permits and variances granted by the commission shall expire and become null and void eighteen (18) months after the date of granting such permit, unless the authorized use is carried on, or a building permit has been obtained for the structure requiring the use permit or variance, prior to the date of expiration.

(F) The conditional use permit and variance shall run with the land, i.e., shall apply to the parcel specified in the conditional use permit or variance, regardless of any change of ownership, but may not be transferred to another parcel.

(G) The conditional use permit and variance shall become effective and be issued eleven (11) days after the commission granted the permit unless an appeal has been filed, in which case the conditional use permit and variance shall not be issued until the granting of the permit is affirmed on appeal.

(H) No application shall be reconsidered and no new application shall be considered by the commission for a conditional use permit or variance previously acted upon by the commission within one year after the date of such action, unless the commission establishes that there has been a substantial change in the circumstances under consideration since the original proceedings. (Ord. 1474, 1-8-1991)

(I) A conditional use permit or variance being processed concurrently with an application requiring city council action shall be scheduled for public hearing before the planning commission for its recommendation and the city council for final action. (Ord. 1654, 6-25-2013)

10-3-7: APPEALS:

The decision of the commission on a conditional use permit or variance may be appealed to the council by the applicant or by any person directly and adversely affected by the decision, in accordance with the following procedure:

(A) The appeal shall be filed with the city clerk on a form furnished by said clerk, accompanied by a fee established by the city council by resolution, no part of which may be refunded. Such appeal must be filed within ten (10) days after the date of the decision of the commission. Such decision becomes final if an appeal is not filed within the time herein specified. (Ord. 1474, 1-8-1991)

(B) Within ten (10) days after the date of filing of the appeal, the city clerk shall transmit the record on appeal to the development services department.

(C) The city clerk and council shall follow the procedure to be followed by the development services department and commission in subsection (B) of this section for use permits and variances. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(D) Within forty (40) days after the filing of an appeal with the city clerk, the council shall hold a public hearing on the appeal at a regular or special meeting of the council. The council may affirm or reverse the decision of the commission and may substitute its decision for that of the commission, based on the record of appeal and the evidence received at the hearing on appeal. The decision of the council on such appeal shall be final. Failure of the council to reach a decision on such appeal within sixty (60) days after the filing of the appeal shall affirm the decision of the commission. (Ord. 1474, 1-8-1991)

10-3-8: ENFORCEMENT:

(A) The development services department and other law enforcement agencies of the city shall enforce the provisions of this title.

(B) No building permit shall be issued by the development services department for construction, demolition, alteration, addition to, or moving of a structure unless such work would comply with the provisions of this title, or a use permit or a variance was issued by the commission. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(C) A permit or license issued by a municipal or other public agency for a use or structure in violation of a provision of this title, except as provided by this chapter, shall not constitute authorization for such a violation or establish vested rights. (Ord. 1474, 1-8-1991)

10-3-9: ABATEMENT:

The construction, alterations, addition to, moving of a structure, or the use of land or structure, in violation of the provisions of this title is unlawful and constitutes a public nuisance. The city attorney, upon order of the council, shall immediately commence action for the abatement, removal, restraining and enjoinment of such violation in the manner prescribed by law. The remedies provided in this title are cumulative and shall not exclude other remedies for a violation of this title as provided by other laws or ordinances. (Ord. 1474, 1-8-1991)

10-3-10: PENALTIES:

Any person violating any of the provisions of this title is subject to section 1-4-5 of this code. (Ord. 1474, 1-8-1991)

10-3-11: MINOR DEVIATIONS:

(A) When Acceptable: When it is in the public interest, the development services director, or the duly appointed representative, may consider and render decisions on the following minor deviations involving slight modifications to the provisions of this title: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

1. The reduction of the lot area or the minimum size of the dwelling unit requirements by not more than ten percent (10%) of that required in the zone for not more than one lot or dwelling unit in a development.

2. The modification of the end stalls of automobile parking space turning radius not less than twenty two feet (22') and reduction in size dimension up to twenty percent (20%) of a loading berth.

3. The modification of the height of a fence, wall and hedge regulations up to twenty percent (20%).

4. The modification of the height requirement of uncovered patios, terraces, swimming pools, stairways, or other landings, encroaching into required yard setbacks.

5. The modification of maximum building coverage not greater than five percent (5%) over the permitted coverage.

6. The modification of minimum dwelling unit area not greater than five percent (5%) of the required area.

7. The modification of rear and side yard setbacks not to exceed ten percent (10%).

8. Front yard modifications may also be granted when the irregular shape of a lot prohibits the required front and rear yards. In such cases, the front and rear yards shall be an average setback.

9. The modification of parcel width and/or parcel frontage by not more than ten percent (10%) of that required in the zone for not more than one lot within a parcel map. (Ord. 1474, 1-8-1991)

(B) Conditions: In granting a minor deviation, all the conditions set forth in subsection 10-3-5(B) of this chapter shall be made by the development services director, or the designee, and conditions may be imposed. A decision shall be made in writing within twenty (20) days after the filing of the application. One copy shall be mailed to the applicant.

(C) Development Services Director Consideration Discretionary: The development services director, or the duly appointed representative, may consider and determine any matter within the scope of this section or refer such matter to the commission for its determination.

(D) Application And Fee: Application for a permit shall be filed with the development services department on a form furnished by said department, accompanied by a site plan and a fee established by the city council by resolution, no part of which may be refunded. When the applicant is not the owner of the property, the written authorization of the owner shall accompany the application. The application shall not be accepted for filing by said department unless it conforms to the filing requirements established by the commission.

(E) Notification Of Adjacent Property Owners: The development services director or an authorized representative shall contact adjacent property owners and shall advise of the applicant's request. A five (5) day period shall be provided for response from adjacent property owners.

(F) Appeals From Determinations: If the applicant or adjacent property owner is dissatisfied with the decision, the decision may be appealed to the commission within ten (10) days after the decision is rendered. Such appeal shall be in writing and shall be filed with the secretary of the commission. Upon the receipt of such appeal, the secretary of the commission will establish the date, time and place to hear such appeal. The commission, upon receipt of the development services director's action, may require said minor deviation to be presented at a public hearing before the commission. No permits shall be issued until the planning commission concurs with the staff's action. The decision of the planning commission is appealable to the city council within ten (10) days of the commission's decision. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

10-3-12: REQUESTS FOR REASONABLE ACCOMMODATIONS:

(A) Purpose: It is the policy of the city to provide reasonable accommodation for disabled persons seeking fair access to housing in the application of its zoning laws. The purpose of this section is to provide a process for making a request for reasonable accommodation. (Ord. 1548B, 6-23-1998)

(B) Request Application:

1. Any person who requires reasonable accommodation, because of a disability, in the application of a zoning law which may be acting as a barrier to fair housing opportunities may do so on a form to be provided by the development services director. (Ord. 1548B, 6-23-1998; amd. Ord. 1654, 6-25-2013)

2. If the project for which the request is being made also requires some other planning permit or approval, then the applicant shall file the request together with the application for such permit or approval.

(C) Request Information: The applicant shall provide the following information:

1. Applicant's name, address and telephone number;

2. Address of the property for which the request is being made;

3. The current actual use of the property;

4. The zoning code provision, regulation or policy from which accommodation is being requested;

5. The factual basis for the need for the accommodation including a description of the person's disability and a physical description of the property.

(D) Notice Of Request For Accommodation: Written notice that a request for reasonable accommodation shall be given as follows:

1. In the event that there is no approval sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties which are immediately adjacent to the property which is the subject of the request.

2. In the event that the request is being made in conjunction with some other process, the notice shall be transmitted along with the notice of the other proceeding.

(E) Grounds For Accommodation: In making a determination regarding the reasonableness of a requested accommodation the following factors shall be considered:

1. Special needs created by the disability;

2. Potential benefit that can be accomplished by the requested modification;

3. Potential impact on surrounding uses;

4. Physical attributes of the property and structures;

5. Alternative accommodations which may provide an equivalent level of benefit;

6. In the case of a determination involving a single-family dwelling, whether the household would be considered a single housekeeping unit if it were not using special services that are required because of the disabilities of the residents.

(F) Notice Of Proposed Decision:

1. Notice of the proposed decision shall be made in the same manner as set forth in subsection (D) of this section.

2. Within ten (10) days of the date the notice is mailed, any person may make a request for director's hearing upon a proposed decision.

3. If no request for hearing is received the proposed decision shall become a final director's decision.

(G) Director's Hearing: The director shall conduct a hearing on the request for reasonable accommodation at which all reasonable evidence and credible testimony shall be considered.

(H) Notice Of Director's Decision:

1. Within thirty (30) days after the hearing, the director shall issue a decision granting the request, including any reasonable conditions, or denying the request.

2. The notice of decision shall contain the director's factual findings, conclusions and reasons for the decision.

3. The notice of decision shall be made in the same manner as set forth in subsection (D) of this section.

(I) Appeal To Planning Commission:

1. Within thirty (30) days after the notice of director's decision, any person may appeal in writing to the planning commission.

2. All appeals shall contain a statement of the grounds for the appeal. (Ord. 1548B, 6-23-1998)

This section has been affected by a recently passed ordinance, Res 8479 - PROHIBITING NONMEDICAL MARIJUANA . Go to new ordinance.

Chapter 4
GENERAL REGULATIONS

10-4-1: APPLICABILITY:

Provisions of this chapter shall apply in all zones wherever the specified conditions exist. When these provisions conflict with the zone regulations, the more restrictive provisions shall apply. (Failure to comply with these general regulations is unlawful.) (Ord. 1474, 1-8-1991)

10-4-2: PARCEL AREA:

No structure or part thereof shall be erected on a parcel unless in compliance with the following provisions:

(A) Provisions of this chapter imposed on minimum parcel area shall not apply to a parcel of record or a parcel divided and conveyed by valid deed or written contract of sale executed before the effective date of this title.

(B) No parcel shall be reduced in area so as to be smaller than required by this title, nor shall it be divided to create parcels smaller than required by this title. If already less in dimension or area, it shall not be further reduced or divided unless otherwise authorized by this title.

(C) The parcel shall have the minimum area required by the zone regulations for the particular zone. In addition to compliance with the minimum parcel area, any parcel on which dwelling units or rental units are proposed, shall also comply with the minimum parcel area for each such unit required by the zone regulations. An increase in the number of such units existing on a parcel shall not be allowed unless the density criteria are met, exclusive of land used or designed for other than residential uses on the same parcel.

(D) The parcel shall further have the following minimum area requirements:

1. No Service By Public Sewer System: When the parcel is not served by a public sewer system, minimum area: Twenty thousand (20,000) square feet.

2. No Service By Community Water System: When the parcel is not served by a community water system, minimum area: Twenty thousand (20,000) square feet.

3. No Service By Any System: When the parcel is not served by a public sewer system and is not served by a community water system, minimum area: One acre. (Ord. 1474, 1-8-1991)

4. Sloping Parcels: This provision increases the minimum parcel area for parcels having a cross slope exceeding ten percent (10%). For the purposes of this section, cross slope shall be calculated by dividing the vertical distance by the horizontal distance on sections drawn perpendicular to the contours for the full dimension of the lot at fifty foot (50') intervals with a minimum of two (2) such sections per lot. The cross slope is the average of the sections taken. Cross slopes ending in one-half percent ($^1/_2$%) or more shall be rounded to the next highest whole number. Each lot or remainder created shall individually meet the minimum lot size standard based upon that lot's particular slope. The provisions of this section shall apply only to R-1 (Single-Family) property divisions.

   The provisions of this section shall only apply to applications to subdivide property submitted after the effective date hereof.

   (a) Cross Slopes Over Forty Percent: It is the intention of this chapter to prohibit development on cross slopes over forty percent (40%) unless a design waiver is approved. That portion of a parcel on which the cross slope exceeds forty percent (40%):

      (1) Shall be excluded in determining minimum parcel area, and

      (2) Shall be excluded when determining the slopes between the highest and lowest point used to determine the slope of the parcel.

      (3) A map restriction shall be recorded against the parcel prohibiting development on the excluded area.

(4) If a design waiver is approved for construction on cross slopes greater than forty percent (40%), the provisions of subsection (D)4(a)(1), (D)4(a)(2) and (D)4(a)(3) of this section will not be applied when determining cross slopes and minimum parcel area. (Ord. 1502, 9-14-1993)

(b) Minimum Parcel Area: The minimum parcel area for sloping parcels with slopes in excess of ten percent (10%) is determined by the following formulas:

Slope Range	Minimum Parcel Area
0% - 10%	6,000 sq. ft. or that allowed by the zone the parcel is within
10.1% - 30%	((S-10%) x 1,200 sq. ft.) + 6,000 sq. ft. = minimum parcel size
30.1% - 35%	((S-30%) x 2,000 sq. ft.) + 30,000 sq. ft. = minimum parcel size
35.1% - plus	((S-35%) x 10,000 sq. ft.) + 35,000 sq. ft. = minimum parcel size
	S = Slope of parcel

(Ord. 1654, 6-25-2013)

(c) Design Waiver: Design waivers associated with a division of a property may be allowed if the applicant applies for such a waiver and provides adequate justification to the approving body for the waiver. The burden of proof in the granting of the design waiver is upon the applicant. The applicant shall provide supporting information to the planning commission and city engineer including, but not limited to, engineered grading and improvement plans, erosion control plans, tree removal and reforestation plans, road and driveway profiles, drainage plans and any additional information that the planning commission or city engineer may require as it is associated with the waiver. The planning commission shall make findings that the design waiver will not involve excessive grading or land alteration and impacts to the site will be minimized. The applicant shall make a separate application for such a waiver. This request shall be reviewed by the city engineer and a report from the engineer shall be made to the planning commission and/or the city council. The planning commission and/or the city council shall review the request and the report from the city engineer and make a final ruling on the request. Design waivers shall not be allowed for minimum parcel size or density.

A design waiver for construction on slopes greater than forty percent (40%) shall be required for any roadway or structure requiring a building permit. The applicant shall submit information with the application to subdivide a parcel that makes it clear to the approving body that the development of a slope greater than forty percent (40%) will not detract from the project or the city as a whole. (Ord. 1502, 9-14-1993)

10-4-3: YARDS:

No structure shall be constructed on any yard required by this chapter unless in compliance with all the following requirements:

(A) Zone regulations imposed on minimum parcel width shall not apply to a parcel of record, or a parcel divided and conveyed by valid deed, or written contract of sale executed before the effective date of such provision made applicable to such parcel; if such parcel has less than the minimum required

width, the minimum side yard required in all residential zones is reduced to five feet (5'); provided, that the structure is not higher than one and one-half ($1^1/_2$) stories; if such parcel fronts streets on two (2) adjoining sides, the minimum front yard required in all residential zones is reduced to ten feet (10') on one of the streets.

(B) An unenclosed and uncovered patio, terrace, swimming pool, stairway or landing not higher than three feet (3') above the natural ground level may be located on the required yards. Cornice, eaves, canopy, chimney, fire escape, unenclosed and uncovered balcony, patio, terrace, stairway or landing and other similar projections or overhangs higher than three feet (3') above the natural ground level, may extend into the required yards to a distance of not more than two feet (2').

(C) A fence, wall or hedge not higher than six feet (6') above the natural ground level, may be located on the required yards; provided, that in all residential zones such fence, wall or hedge is not higher than three feet (3') above the natural ground level on corner parcels fronting on two (2) or more intersecting streets, within a triangle formed by the intersecting rights of way and a line drawn between points on such rights of way thirty feet (30') distant from their point of intersection.

(D) Detached accessory structures not higher than one story or twelve feet (12') may be located on the required rear yard up to five feet (5') of the rear parcel line.

(E) Where more than one-half ($^1/_2$) the building sites along the same side of the street in the same zone have been improved with buildings, the required front yard is the average of the front yards in improved building sites within three hundred feet (300') in each direction.

(F) On corner parcels the side yard abutting the street shall be one-half ($^1/_2$) the distance of the required front yard for the zone with a minimum distance of ten feet (10'). (Ord. 1474, 1-8-1991)

(G) On corner parcels the development services director shall determine which portions of the parcel are the front, side and rear yards.

(H) On irregular shaped parcels the development services director shall determine which portions of the parcel are the front, side and rear yards. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

10-4-4: PARKING AND LOADING:

No structure shall be constructed unless open spaces for automobile parking, and truck loading and unloading, are permanently provided and maintained for the benefit of residents, employees, customers and visitors, within or outside of buildings or in a combination of both, in compliance with all the following requirements:

(A) 1. Applicability: A new use, structure, addition, or alteration on existing parcels shall be allowed only if it does not increase or create a parking deficiency as determined in this section.

2. Parking District: The requirements of this section shall also apply to the city parking district, except that any owner of property within the downtown parking district may request to pay an "in

lieu fee" instead of providing the required parking as provided in section 10-4-5 of this chapter.

(B) The required parking shall be provided on the parcel or contiguous parcel where the use is located. For nonresidential uses, the required parking may be provided on a parcel no farther than three hundred feet (300') from the boundaries of the parcel where the use is located, providing that the parcel is under the same ownership, within the city, in the same zone, or in a less restrictive zone and that no major thoroughfare lies between the use and any of the required parking. The required loading shall be provided on the parcel where the use is located and no farther than twenty feet (20') from the building to be served.

(C) The layout of parking stalls, loading berths, and parking aisles shall comply with all the following requirements:

1. The required parking stalls, loading berths, and parking aisles may not be located on any street right of way.

2. The required parking stalls, loading berths, and parking aisles, if outdoors, may be located on the required side and rear yards, and within the required front yards up to three feet (3') from the street right of way.

3. Each parking stall shall have a minimum size of nine feet by eighteen feet (9' x 18') when free of obstructions such as columns or walls; ten feet by eighteen feet (10' x 18') where columns or walls are located adjacent to space; each loading berth shall have a minimum size of twelve feet by twenty five feet (12' x 25') whether indoors or outdoors.

4. Parking aisles shall have a minimum width of twelve feet (12') when stalls are parallel to the aisle or up to an angle of forty degrees (40°); seventeen feet (17') when stalls are at an angle between forty degrees (40°) and seventy degrees (70°); and twenty four feet (24') when stalls are at an angle between seventy degrees (70°) and ninety degrees (90°).

5. Parking stalls and aisles shall have a maximum grade of ten percent (10%). If the grade is over five percent (5%) then the required width of a parking stall shall increase to ten feet (10').

6. Each parking stall and aisle shall have a minimum eight foot (8') vertical clearance; each loading stall and access thereto shall have a minimum fifteen foot (15') vertical clearance.

7. Each parking stall and loading berth shall have vehicular access to the street, without passing over other parking stalls. (Ord. 1474, 1-8-1991)

8. Each parking stall, except those serving one- and two-family dwellings, shall have vehicular access to the street without backing into the public travelway or potential travelway; an exit shall be provided in the direction of the traffic flow when parking stalls are laid out at an angle of less than ninety degrees (90°) with the aisle. Any parking stalls or aisles that are to be located in the public right of way shall be approved or conditionally approved by the planning commission and obtain an encroachment permit from the development services department. Exception: Vehicles on the streets listed below may back into the public travelway or potential travelway when a conditional use permit is obtained in accordance with section 10-3-6 of this title: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

   (a) Reservoir alley.

9. Up to twenty percent (20%) of the parking stalls can be for compact cars. These stalls shall have a minimum size of seven feet by seventeen feet (7' x 17'). All compact parking stalls shall be

marked or so indicated as "Compact Parking Only". Where a compact space is located adjacent to columns or walls, the stall shall be ten feet (10') in width.

10. Tandem parking is allowed if all the following conditions are met:

(a) The subject parcel is located within the downtown parking district.

(b) The parking spaces are designated and marked for employees only. The applicant shall provide data on the maximum number of employees per shift.

(c) A space of nine feet by eighteen feet (9' x 18') shall be provided for each tandem space.

(d) The spaces shall be paved per city standards.

(e) The applicant shall obtain a conditional use permit from the city planning commission per sections 10-3-3, 10-3-4, and 10-3-6 of this title. The applicant shall submit a scaled drawing of the proposal to the planning commission for review and approval. (Ord. 1474, 1-8-1991)

(D) Improvements: Improvements listed below shall be completed prior to the issuance of a certificate of occupancy by the building division:

1. Each driveway, parking stall, loading berth; all parking lots; new and used vehicle sales lots; except those serving one-family dwellings, shall be graded, drained, and surfaced with a minimum of two inches (2") of asphaltic concrete over four inches (4") of aggregate base, as per city standards.

2. A minimum four foot (4') high solid fence, wall or thick hedge shall be permanently maintained between any residential zone and a parking area serving a commercial use, where such area is contiguous to such a zone. (Ord. 1582, 1-22-2002)

(E) Minimum Parking Spaces: The following minimum number of parking stalls shall be required, to serve the uses or buildings listed:

Automotive service center		1 space each 500 square feet maintenance area. 1 space each 200 square feet office/retail area
Beauty shop, barbershop		2 for each operating chair
Bowling establishment		8 for each lane
Eating or drinking establishment		1 for each 4 seats of maximum seating capacity
Employee housing, large		On site parking shall be provided according to the following schedule. For group quarter facilities, a minimum of 1 parking space for every 3 authorized beds. For individual unit facilities, a minimum of 2 parking spaces shall be provided for each unit or space
Employee housing, small		2 spaces

Fast food eating and drinking establishments		1 for each 50 square feet of floor area, plus 1 space for every 4 seats of maximum indoor and outdoor seating capacity, with a minimum of 5 required
General office, bank, studio, retail repair and service		1 for each 200 square feet of floor area, measured to the nearest 200 square feet
Hospitals		$1^1/_2$ for each bed
Medical office		1 space each 150 square feet of floor area
Miniature golf course		2 for each hole
Multiple uses		The sum of the requirements for each individual use
Packing, manufacturing, processing service or research facilities		1 parking space per 500 square feet of gross floor area or 1 space per employee of maximum working shift, whichever is the greater of the 2
Place of assembly or worship, mortuary		1 for each 4 seats of maximum seating capacity
Pool and billiard tables, golf driving ranges, pinball machines and other indoor recreational uses		2 for each recreational unit, such as a table, range or machine or court, or 1 space for each 100 square feet of floor area measured to the nearest 100 square feet, whichever is the lesser of the 2
Rest homes, sanatoriums, and convalescent hospitals		1 space for each 3 employees and 1 space for each 3 beds
Retail furniture, appliance stores and similar uses		1 parking space per each 250 square feet of gross floor area, measured to the nearest 250 square feet
Retail sales		1 for each 200 square feet of floor area, measured to the nearest 200 feet
Rooming or boarding house, motel, hotel		1 for each rental unit
Schools:		
Nursery schools		1 space for every 500 square feet
Elementary schools		2 spaces for each classroom
High schools		7 spaces for each classroom
Colleges		15 spaces for each classroom
Shopping centers		1 space for each 200 square feet of floor space. A "shopping center", for the purpose of this section, is defined as an area upon which there are situated multiple retail or service type business enterprises in which the total floor space is at least 20,000 square feet

		Fast food restaurants shall not be considered part of a shopping center and shall provide parking at a ratio as specified under fast foods of this section
Single-family residence		2 spaces
Multi-family		1.5 spaces per dwelling unit
Single room occupancy facility		1 stall per 3 single room occupancy units, plus 1 additional stall if on site management office is required per subsection 10-4-8(F) of this chapter
Wholesale or bulk storage		1 parking space per 1,500 square feet of gross floor area or 1 for each employee of maximum working shift, whichever is the greater of the 2

(Ord. 1474, 1-8-1991; amd. Ord. 1627, 9-9-2008; Ord. 1664, 9-23-2014; Ord. 1667, 10-28-2014)

(F) Loading Berths: Loading berths shall be provided, in addition to parking stalls, as follows:

Total Square Footage Of Building Space (Gross Floor Area)		Loading Spaces Required
Commercial and industrial buildings:		
3,000 to 20,000		1
20,001 to 50,000		2
50,001 and over		3
Warehouse and storage areas:		
Each 7,000		1
Hospitals, institutions, hotels and office buildings:		
10,000 to 50,000		1
50,001 to 100,000		2
100,001 and over		3

(Ord. 1474, 1-8-1991)

10-4-5: PARKING IN LIEU FEE REGULATIONS:

(A) Purpose: The purpose of this section is to provide for the payment of a fee in lieu of providing additional parking upon construction of a new facility, the expansion of a facility, or the annexation of an existing facility into a parking district.

(B) Definitions:

APPLICANT: Any person, corporation or business entity who makes application for the construction of a new facility, the expansion of an existing facility, or the annexation of an existing facility into a parking district.

CITY REGULATIONS: All rules and regulations of the city, whether ordinance, resolution or minute order, relating to parking.

COST OF A PARKING PLACE: The estimated cost of providing a parking place as determined annually by resolution of the city council.

DISTRICT: Any special assessment parking district.

PARKING ADVISORY COMMISSION: The parking advisory commission of the city of Placerville as appointed by the city council.

PARKING DISTRICT OR DISTRICT: Any special assessment parking district within the city.

(C) Procedure:

1. When an application is made for an expansion of use, the planning commission, upon recommendation of the parking advisory commission, shall either:

   (a) Make a determination that the applicant shall comply with the city parking requirements as set forth in section 10-4-4 of this chapter, or

   (b) Make a determination as to whether the applicant shall be required to pay a fee as set forth herein in lieu of providing additional parking. Said determination by the planning commission shall be made prior to the issuance of any permit for the expansion of use.

   The planning commission shall determine whether or not sufficient parking exists within a six hundred foot (600') radius of the proposed expansion of use. When such a finding is made, the parking in lieu fee may be assessed, as provided for herein, upon recommendation of the planning commission and approval of the city council.

2. The payment of the in lieu fee shall be made a condition to any permit issued and shall be evidenced by an agreement in writing providing for the payment of the fee; said fee to be placed in the city parking fund for future use in acquiring, improving or developing parking within the parking district. Upon approval by the city, the payment of the fee may be amortized over a period of fifteen (15) years, with interest thereon at the rate of twelve percent (12%) per annum, payable annually.

(D) Exemptions And Credits:

1. Any existing structure assessed by special assessment for parking purposes may be replaced to the same size and usage without the payment of the fee.

2. If an existing building is replaced and the number of parking places required by city regulations are placed on the same site, then no fee will be required.

3. Where an existing structure is replaced by a larger structure, only the increased space shall be subject to the fee.

4. Unimproved property located within the district having been previously assessed shall be given credit against the fee for the amount of the assessment.

(E) Determination Of The Fee: The fee for each parking place required by the city regulations for the proposed expansion of use is determined by multiplying the cost of a parking place by a factor of one-half ($^1/_2$).

Example: Assume the cost of a parking place is twelve thousand dollars ($12,000.00).

Fee per space required = ($12,000.00) x ($^1/_2$) = $6,000.00

(F) Default In The Payment Of The Fee: In the event the required fee is not paid, or in the event any installment payment of the fee is delinquent more than ten (10) days, the permit issued conditioned upon the payment of the fee shall be revoked and all remedies available to the city shall be enforced. (Ord. 1474, 1-8-1991)

10-4-6: TEMPORARY MOBILEHOME OR COMMERCIAL COACH USE PERMIT:

(A) Intent: The intent of this section is to permit temporary uses which meet established safety standards where a need for such has been demonstrated. Such use is to be of a temporary nature only, and a termination date shall be specified on all permits. Permits shall be granted for a period up to one year, and an extension of six (6) months or longer may be granted if good and valid reasons have been first established for such extension. A temporary mobilehome or commercial coach use permit may be permitted in zones where such use will not adversely affect existing land uses. (Ord. 1474, 1-8-1991)

(B) Applicability:

1. Temporary mobilehome or commercial coach permits shall apply to:

   (a) Placement of temporary mobilehomes accessory to, and not exceeding the duration of, the construction of single-family dwelling units.

   (b) Temporary uses for offices or retail sales. (Ord. 1642, 6-14-2011)

2. Temporary mobilehome or commercial coach use permits do not apply to:

   (a) Licensing of mobile vendors which provide a service to residents.

   (b) Temporary construction offices.

(C) Procedure: The procedure for obtaining a temporary mobilehome or commercial coach use permit shall be as follows:

1. Application: An application for a temporary mobilehome or commercial coach use permit shall be filed by the owner of the property for which the permit is sought or by the authorized representative of the owner. Such application shall be made to the commission and shall be on forms furnished by the secretary of the commission. As part of the application a plot plan shall be submitted which is drawn to scale and which designates all land uses on the property, location of all structures on the property, location of proposed mobilehome or commercial coach, utility connections, yard, off street parking, and other information that the planning division may require.

2. Filing Fee: The permittee shall pay to the city a filing fee established by resolution of the city council to defray costs incurred by the city in the issuance of said temporary mobilehome or commercial coach use permit.

3. Commission Findings And Decision: The commission shall announce and record its decision and action. Such report shall recite the findings of the commission upon which it bases its decision. If the decision is favorable to granting the temporary mobilehome or commercial coach use permit, the report may also contain any conditions to be imposed, including penalties for violation of termination date. (Ord. 1474, 1-8-1991)

4. Notification: The development services director or authorized representative shall notify all property owners, within three hundred feet (300') of the property for which the permit is sought, of the requested use permit ten (10) days prior to any action of the planning commission. If comments are received, said comments shall be included in the staff's report to the planning commission. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

5. Revocation: The commission may revoke any temporary mobilehome or commercial coach use permit for noncompliance or violation of the conditions set forth in granting such permit. A written notice of intention to revoke shall be mailed to the applicant not less than ten (10) days before the commission action.

(D) Appeals: Appeals to this section shall follow the provisions set forth in section 10-3-7 of this title.

(E) Hardship Mobilehome: A conditional use permit may be granted to the owner of an existing principal dwelling to permit one mobilehome unit as an additional dwelling unit for the use by a member of his/her family provided the following findings are made by the planning commission:

1. A hardship connected with a health condition as verified by a physician licensed to practice medicine and surgery in this state would be substantially reduced by the use of the mobilehome.

2. The use will not detrimentally affect the use of neighboring properties.

3. The property is zoned as single-family residential.

4. The placement of the mobilehome on the property complies with minimum yard requirements of the applicable zone.

5. At least one parking space is provided for the mobilehome.

6. The parcel has a minimum area of ten thousand (10,000) square feet.

7. The mobile unit has a minimum area of three hundred (300) square feet and maximum area of one thousand (1,000) square feet.

8. All utility connections to be installed as required by city code.

9. The mobilehome is currently licensed as required by the Vehicle Code of the state of California, has a valid state insignia and remains in a mobile condition.

   In all cases, the permit for mobilehome use shall be reinspected annually and must be terminated if the finding of hardship, for which approval was given, no longer exists. (Ord. 1474, 1-8-1991)

10-4-7: SPECIAL TEMPORARY USE PERMITS:

Uses permitted subject to a special temporary use permit are those temporary uses which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community. (Ord. 1474, 1-8-1991)

(A) Uses Permitted Subject To Special Temporary Use Permits: The following uses shall be allowed upon the issuance of a temporary use permit:

Carnivals, circuses, special events of not over seventy two (72) consecutive hours.

Christmas tree sales.

Parking and storage of materials and earthmoving or construction equipment incidental to the carrying on of a public works project, subdivision or construction project.

Temporary outside display and sales of merchandise in the C zone.

Such other uses as the planning commission may, by resolution, deem to be within the intent and purpose of this section.

(B) Special Temporary Use Permit Procedure:

1. Application And Fee: Application and filing fee for a special temporary use permit may be made by the property owner or his authorized agent. Such applications shall be filed with the development services department. The development services department shall charge and collect a filing fee for each such applicant, as determined by resolution of the city council. The development services director may require any information of the applicant which may be necessary to make a determination concerning the proposed use.

2. Determination: Application for special temporary use permit shall be reviewed by the development services department. The development services director shall approve, conditionally approve, or disapprove such application. Approval or conditional approval shall be given only when in the judgment of the development services director, such approval is within the intent and purpose of this zoning title.

3. Time Limit: Special temporary use permits shall specify the period of time set by the development services director during which the use may be carried out, not to exceed one year from date of issuance of the permit.

4. Appeals From Determinations: If the applicant is dissatisfied with the decision he may appeal to the commission within ten (10) days after the decision is rendered. Such appeal shall be in writing and shall be filed with the secretary of the commission. Upon the receipt of such appeal, the secretary of the commission will establish the date, time and place to hear such appeal. The

commission, upon receipt of the development services director's action, may require said determination to be presented at a public hearing before the commission. No permits shall be issued until the planning commission makes a determination. The determination of the commission may be appealed to the council per the procedure established in section 10-3-7 of this title. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

10-4-8: SINGLE ROOM OCCUPANCY FACILITIES:

(A) Purpose: The provisions of this section are intended to accommodate the development of permanent, affordable housing for small households, persons with disabilities, the elderly, the former homeless or lower income individuals.

(B) Location: A single room occupancy (SRO) facility shall comply with the requirements of this section, where allowed by chapter 5, "Zone Regulations", of this title along with the general regulations within the allowed zones.

(C) Project Review And Approval: A proposed SRO facility shall require site plan review in compliance with section 10-4-9 of this chapter. Where specified in this title, an SRO facility shall require approval of a conditional use permit in compliance with sections 10-3-3 and 10-3-6 of this title.

(D) Development Standards:

1. Single Room Occupancy Facilities:

(a) Common Area: Four (4) square feet per living unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding cleaning supply room, laundry facilities and common hallways.

(b) Laundry Facilities: Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty (20) units or fractional number thereof, with at least one washer and dryer per floor.

(c) Cleaning Supply Room: A cleaning supply room or utility closet with a washtub with hot and cold running water shall be provided on each floor of the SRO facility.

(d) Bicycle Parking: A minimum of one bicycle parking space shall be provided for every three (3) SRO units.

(e) Trash Enclosure: An SRO facility shall provide a trash enclosure, subject to the criteria of section 10-4-9, "Site Plan Review", of this chapter.

(f) Vehicle Parking: Off street parking shall be provided consistent with subsection 10-4-4(E) of this chapter.

2. Single Room Occupancy Units:

(a) Unit Size: An SRO unit shall have a minimum size of one hundred fifty (150) square feet and a maximum of four hundred (400) square feet.

(b) Occupancy: An SRO unit shall accommodate a maximum of two (2) persons.

(c) Bathroom: An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California building code for congregate residences with at least one full bathroom per floor.

(d) Kitchen: An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

(e) Closet: Each SRO unit shall have a separate closet.

(f) Code Compliance: SRO units shall comply with all requirements of the California building code.

(E) Accessibility: All SRO units and facilities shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

(F) Management:

1. Facility Management: An SRO facility with fifteen (15) or more units shall provide on site management. An SRO facility with less than fifteen (15) units shall provide a management office on site.

2. Management Plan: A management plan shall be submitted with the required conditional use permit and/or site plan review application for an SRO facility and shall be approved by the planning commission, or city council upon appeal. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.

(G) Tenancy: Tenancy of SRO units shall be limited to thirty (30) or more days.

(H) Existing Structures: An existing structure may be converted to an SRO facility, consistent with the provisions of this section and the development standards of the zone regulations of the zones in which the SRO is an authorized use.

(I) Business License: The organization or company operating the SRO facility shall obtain a city business license before commencing operations, in accordance with title 5, chapter 1 of this code. (Ord. 1664, 9-23-2014)

10-4-9: SITE PLAN REVIEW:

(A) Site Plan Review: The city council finds and determines that to encourage the orderly and harmonious development of property within the city, maintain public health, safety, and welfare, maintain property and improvement values throughout the city, encourage the physical development of the city, and preserve the historic and scenic character of state designated scenic highway corridors, the following provisions be established to provide clear guidelines for site plan review.

(B) Purpose: The purpose of this section is to recognize the interdependence of land values and aesthetics and to provide a method by which the following goals can be achieved:

1. Promotion of sound land use development.

2. Assist in the development of architectural standards and guidelines for residential, commercial and retail business structures.

3. Preservation of the historic and scenic character of state designated scenic highway corridors.

4. To implement the goals and policies of the community design element of the general plan. (Ord. 1474, 1-8-1991)

(C) Site Plan Review Required: The planning commission shall review each application for a building permit in the following land use categories:

1. All new construction of commercial structures; or multi-family structures, including duplexes, located within the R-2, R-3 and R-4 zones. (Ord. 1665, 9-23-2014)

2. Any exterior additions or combination of additions thereof which would add one thousand (1,000) square feet or more to existing commercial or multi-family buildings within the lifetime of the building. (Ord. 1474, 1-8-1991)

3. Any additions or conversions to commercial, multi-family, or single-family structures which would cause a change in occupancy as defined by the California building code. (Ord. 1642, 6-14-2011)

4. Relocation of buildings and structures, except single-family dwellings.

5. Parking structures and lots.

6. Any destruction or alteration of buildings in a historical district or historical building as identified in subsection (H)1 of this section.

7. All new construction of structures in the PF zone.

8. All new construction of single-family attached dwellings.

9. Any structure which increases the coverage of Hangtown Creek as defined in section 8-3-28 of this code. (Ord. 1474, 1-8-1991)

10. New formula businesses and major exterior modifications to existing formula businesses within the central business district (CBD) zone. Major modifications are those defined in subsection (P) of this section. (Ord. 1597, 2-24-2004)

11. Single room occupancy facilities. (Ord. 1664, 9-23-2014)

12. All new construction of professional office conditional uses within the R-5 zone.

13. Multi-family residential housing structures or owner occupied single-family residential housing structures under subsection 10-5-12(E)3 of this title within the R-5 zone. (Ord. 1679, 2-9-2016)

Exceptions: The following shall not be subject to site plan review:

1. Relocation of or construction of new single-family dwellings. (Ord. 1474, 1-8-1991)

2. Any change in occupancy from a more intensive occupancy to a less intensive occupancy as defined in the California building code and where no additional parking is required. (Ord. 1642, 6-14-2011)

3. The change in occupancy in any building or use that has received site plan approval within ten (10) years of the approval date of the original site plan; provided, that no additional parking is required. (Ord. 1474, 1-8-1991)

4. Multi-family structures or owner occupied single-family residential housing structures under subsection 10-5-12(E)2 of this title within the R-5 zone. (Ord. 1679, 2-9-2016)

(D) Development Design: The planning commission may use, but will not be limited to, those types of development exemplified by photographs, drawings and notes as shown in the "design manual" and "historic design guide" adopted by resolution of the city council. (Ord. 1474, 1-8-1991)

(E) Procedure: The following procedure shall govern the submission and review of site and building plans:

1. The following items must be submitted to the development services department at least thirty (30) days prior to a regularly scheduled meeting of the commission:

(a) An application for design review on forms prescribed by the development services department.

(b) Copies of each of the following, as specified on application forms, or as prescribed by the development services department:

(1) Plot plan drawn to a scale of not less than one inch equals twenty feet (1" = 20') showing dimensions and size of each lot to be built upon or otherwise used; the size, shape, and location of existing and proposed buildings; the location and layout of parking areas, parking spaces and driveways, drainage systems, finished contour of site.

(2) A landscaping plan including location of proposed plantings and screenings; proposed location of fences, signs and advertising structures.

(3) Exterior elevations of all sides of proposed new buildings and additions to existing buildings; exterior elevations or proposed remodeling or "facelifting". Elevations shall be drawn to a scale of not less than one-eighth inch equals one foot ($^1/_8$" = 1'). In the case of additions to existing buildings, photographs of existing buildings are required.

(4) Exterior color samples.

(5) Such other information, drawings, plans, or renderings that may be required by the development services department to assist the commission in arriving at a decision. The use of color renderings and photographs is encouraged.

(6) Development services director or designated representative may at their discretion, waive certain submittal requirements when such information, as required in this subsection (E)1, would not, in his opinion, assist in describing the proposed change. These waivers shall be reviewed by the planning commission.

2. Notification of applicant and adjacent property owners within three hundred feet (300') as shown on the last adopted tax roll. The development services director shall specify the following within the notice:

(a) Type of development.

(b) Locational map.

(c) Time in which comments are to be received in order to be considered by the planning commission.

3. Within sixty (60) days after the completion of the necessary environmental documents as per the city of Placerville's "Guidelines And Procedures For The Implementation Of The California Environmental Quality Act Of 1970", as amended; the development services department shall refer the submittals, with its comments, to the commission. The commission shall act on the application within thirty (30) days after such referral, unless applicant requests, and the commission grants, an extension of time. If the commission has not acted on the application within sixty (60) days, the application shall be deemed approved. Such mandatory approval shall not constitute violation of city ordinance.

4. The development services department shall advise the applicant in writing of the time, date and place of the commission's consideration of the application and of the final disposition thereof.

5. The decision of the commission is final unless appealed as provided for in section 10-3-7 of this title. (Ord. 1679, 2-9-2016)

(F) Filing Fee: When the application for a site plan review is filed, a uniform fee set by resolution of the city council shall be paid to the city for the purpose of defraying the costs incidental to the proceedings. Said fee is nonrefundable.

(G) Criteria: The planning commission may approve, approve with conditions, or disapprove the application for a building permit or other required approval in any matter subject to its scope of authority after considering whether the following criteria are met. These criteria are not intended to supersede any requirements in the city's construction regulations, restricting imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions to assist in promoting the purpose of this title. (Ord. 1474, 1-8-1991)

1. Relationship Of Buildings To Site:

(a) The site shall be planned to achieve harmony and continuity between neighborhoods and commercial areas to maintain the historic foothill small town character, as opposed to suburban patterns of development. (Ord. 1597, 2-24-2004)

(b) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, pedestrian movement, and parking areas.

(c) Site planning in which setback and yards which exceed current regulations is encouraged to provide an inviting streetscape.

(d) Parking areas shall be treated with decorative elements, variety of paving materials, building wall extension, plantings, berms or other innovative means so as to break up large expanses of paved area.

(e) The height and scale of each building shall be compatible with its site and buildings in the surrounding area.

(f) Privacy of existing adjacent properties shall be maintained.

2. Relationship Of Building And Site To Surrounding Area:

(a) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, colors and materials.

(b) Attractive landscape transition to surrounding properties shall be provided.

(c) Harmony in texture, lines, and masses is required. Monotony shall be avoided.

(d) Buildings shall have compatible scale to those in the surrounding area. (Ord. 1474, 1-8-1991)

(e) "Standardized" corporate architecture which involves the use of materials, textures, facades, colors, rooflines, siding and other materials and features is contrary to the city's historic small town character. In lieu of standardized corporate architecture, formula businesses shall use the following: natural and manufactured wood siding; large timbers; varied rooflines, openings and facade treatments; brick, brick veneer and rock treatments; gridded windows; and, earth tone colors in lieu of bright, glossy or reflective colors. (Ord. 1597, 2-24-2004)

3. Landscape And Site Treatment And Tree Preservation Required: Landscape elements included in these criteria consist of all forms of trees, planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures:

(a) Natural Patterns Preserved: Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.

(b) Inviting Ambiance: Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

(c) Landscape Treatment: Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade.

(d) Unity Of Design: Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.

(e) Plant Material: Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth.

(f) Plant Protection: In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

(g) Parking Areas: Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings which shall be adequately irrigated and maintained. Shrubs shall be used only where they will not obscure vision. At a minimum, twenty percent (20%) of all parking areas shall be landscaped with shrubs and ground covers. Shade trees shall be planted and maintained in planters or landscaped areas so that at tree maturity (15 years), at least fifty percent (50%) of the total paving area not including the entrance drives, parking areas under carports, or multi-story parking structures, shall be shaded at solar noon on June 21.

(h) Landscape Planter Strips: Landscape planter strips shall be provided for each ten (10) linear parking stalls.

(i) Irrigation: An automatic sprinkling system shall be installed to irrigate all landscaped areas.

(j) Screening: Service yards, and other places which tend to be unsightly, shall be screened by use of walls, fencing, planting, or combinations of these.

(k) Fences, Walls And Pavings: In areas where general planting does not prosper, other materials, such as fences, walls, and pavings of wood, brick, stone, gravel and cobbles, shall be used. Carefully selected plants shall be combined with such materials where possible.

(l) Exterior Lighting: Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design, color and brilliance.

(m) Water Efficient/Drought Resistant Landscaping Required: Projects subject to this chapter with landscaped area equal to or greater than five hundred (500) square feet; rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet, and cemeteries are also, where specified, subject to the water efficient landscape requirements under sections 10-6-1 through 10-6-15 of this title, and shall be required to design and install water efficient and drought resistant landscaping. Such landscaping design shall be prepared by a licensed architect or contractor, certified irrigation designer, licensed landscape contractor, or other person authorized under the California Business And Professions Code and the Food And Agricultural Code to design a landscape. To the extent feasible, landscaped design shall take into consideration the following:

(1) Provisions for grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds and landscaped areas where appropriate.

(2) Provisions for the use of automatic irrigation systems and seasonal irrigation schedules incorporating water conservation design and utilizing methods appropriate for specific terrains, soil types, wind conditions, temperatures and other environmental factors in order to ensure a high degree of water efficiency.

(3) Provisions for water conservation through the appropriate use or groupings of plants that are well adapted to particular sites and to particular climatic, geological or topographical conditions.

(4) Provisions for the use of reclaimed water supplied through dual distribution systems, if feasible and cost effective, and subject to the city and county health standards.

(5) Provisions for landscape maintenance practices which foster long term landscape water conservation. Landscape maintenance practices may include, but are not limited to, performing routine irrigation system repairs and adjustments, conducting water audits and prescribing the amount of water applied per landscape area.

(n) Landscaping Maintenance: All vegetation and landscaping shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and such vegetation or those that show signs of such damage or injury at any time shall be replaced by the same, similar or substitute vegetation of a size, form and character, which will be comparable at full growth. Landscapes shall be maintained to ensure water use efficiency. A landscaping maintenance agreement between the applicant and the city shall be required to ensure the ongoing maintenance of landscaping. Irrigation systems shall be properly maintained to prevent water waste from leaving 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. Repair of all irrigation equipment shall be done with the originally installed components or equivalents.

(o) Weeds: Landscaping shall be kept free from weeds and undesirable grasses.

(p) Tree Preservation Guidelines: Projects approved under this chapter shall, whenever possible, comply with the "Tree Preservation Guidelines" adopted by resolution by the city council.

(q) Fence Construction: Fences shall be constructed of quality low maintenance materials. Fence design shall be compatible with landscaping and site design.

(r) Bikes: Bicycle racks and bikeways, when appropriate, shall be provided. (Ord. 1676, 11-24-2015)

4. Building Design:

(a) Evaluation of appearance of a project shall be based on the quality of its design and relationship to surroundings. Inappropriate, incompatible, bizarre, exotic designs and standardized corporate architecture, other than registered trademarks, shall be avoided. (Ord. 1597, 2-24-2004)

(b) Buildings shall have form and scale with permanent neighboring development and topography.

(c) Materials shall be of durable quality, and shall be selected for harmony of the building with surrounding buildings.

In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.

(d) New building components, such as windows, doors, eaves and parapets, shall have continuity to one another. (Ord. 1474, 1-8-1991)

(e) Colors shall be harmonious to site and surrounding area. The use of standardized bright, bold, glossy nonearth tone colors is discouraged, as they generally do not project the historic foothill character of the community. (Ord. 1597, 2-24-2004)

(f) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways.

(g) Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

(h) Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.

(i) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent monotonous appearance.

(j) The architectural style which should be appropriate for the project in question, and the form and roof type of commercial buildings shall not, without planning commission approval, reflect a standardized basic architectural style which is similar to other such projects constructed through related contractual or other agreements statewide or nationally. It is not the intent of this section to establish any particular architectural style.

5. Signs:

(a) Wall signs shall be accomplished in continuity with the architectural concept. Size, color, lettering, location and arrangement shall be harmonious with the building design, and shall be compatible with approved signs on adjoining buildings. Signs shall have good proportions.

(b) Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.

(c) Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape. Wherever possible signs shall be incorporated within the building components such as facias, and/or eaves.

(d) Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.

(e) Colors shall be harmonious and used with restraint. Lighting shall be harmonious with the design. If external spot or floodlighting is used, it shall be arranged so that the light source is shielded from view.

6. Density In Units Per Acre: The following factors are to be considered in determining the maximum allowable density in units per acre:

(a) Required grading, soil removal, and cut and fill operations.

(b) Tree removal or removal of shrubs and other natural ground cover as it may affect erosion and drainage.

(c) The criteria set forth in subsections (G)1 and (G)2 of this section.

(d) The slope of the property.

(e) Geological conditions.

(f) Any other conditions or criteria that may relate to the density potential of the property.

7. Access And Circulation: Access and traffic circulation to the site should be in such a manner as to allow for safe and reasonable pedestrian and vehicular access to and from the site and, further, so as to cause the least interference with existing uses of adjacent properties.

8. Community Design: All site plans shall be compatible with the goals and policies established in the community design element of the general plan.

(H) Destruction Or Alteration Of Buildings In A Historical District Or To Historical Buildings:

1. No building in any historical district nor any building officially designated by the council as "historical" shall be torn down, demolished, destroyed, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided. Minor repair and maintenance to buildings of same material and color are exempt from this chapter.

2. If any historical building be damaged by any act of God, including, but not limited to, earthquake or fire, the owner thereof may repair such building if he/she secures approval from the planning commission.

3. Any owner making any alterations on the exterior of a historical building shall first secure approval from the planning commission.

4. Alteration of such buildings shall comply with requirements as stated in the city's construction regulations, title 4 of this code.

5. Buildings within a historical district shall not be demolished unless approved by the commission.

6. Any building or structure which is structurally unsafe as a result of fire, earthquake or other acts of God shall be removed at the direction of the building official.

(I) New Buildings In Historical District: All buildings situated within the boundaries of a historical district which are hereafter constructed shall conform to the provisions of section 10-4-10, "Historical Buildings In The City", of this chapter.

(J) Hangtown Creek: Construction within the historical district shall not encroach into or cover Hangtown Creek unless approved by the planning commission.

(K) Building Permit; Issuance:

1. Building Permit To Be Issued Within Eighteen Months: The approval of the site plan shall expire and become null and void eighteen (18) months after the date of approval unless a building permit has been obtained for any building thereon before the date of expiration. Should the building permit expire for any building thereon, then the site plan review approval shall also simultaneously expire. In no case shall site plan review approval be valid for a period exceeding five (5) years from the original approval date. The planning commission may grant a one year extension for the project if the applicant makes such a request and pays a new fee prior to the expiration date. The planning commission shall consider any changes to this code or to the project when granting the extension. (Ord. 1474, 1-8-1991)

2. Determination Of The Development Services Director Or The Authorized Representative: Before a building permit may be issued for any building or structure in a development requiring a site plan review, the development services director or the authorized representative shall make a determination that the proposed building or structure is in conformity with the approved site plan review. If conformity does not exist, the building permit shall not be issued. Stop order notice may be issued in accordance with section 1-4A-13 of this code if violations are discovered. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(L) Disapproval; Notice: If the planning commission disapproves an application for a site plan review, it shall state its findings and judgment in specific detail so that the applicant is informed precisely as to the basis for the commission's disapproval. (Ord. 1597, 2-24-2004)

The secretary shall furnish the applicant with the findings of the commission promptly and in no case later than five (5) days after the commission disapproves the application.

(M) Appeals: The applicant or an interested party, including a member of the planning commission or the council who is dissatisfied with the findings of the commission, may appeal to the council by filing a notice of appeal. A filing fee as set by resolution of the city council shall be required from all parties except members of the commission or a city council member. Such appeals shall be filed in accordance with section 10-3-7 of this title.

(N) Violation; Penalty: A person who violates this chapter is guilty of an infraction and shall be punished as provided in title 1, chapter 4 of this code.

(O) Chapter Application: This chapter shall apply to all construction for which a building permit application has not been applied prior to the effective date of this chapter.

(P) Site Plan Changes; Major And Minor: Application to change an approved site plan must be made in writing and filed with the secretary of the planning commission accompanied by a site plan (if applicable) and description of the modifications proposed. (Ord. 1597, 2-24-2004)

Proposed changes to an approved site plan shall be classified as either minor or major by the development services director or his duly appointed representative. Minor changes shall not in any way change the appearance, character or intent of the approved site plan nor modify the exterior building elevations of an existing formula business in the central business district (CBD) zone. Major changes will generally be any change that would alter the appearance, character or intent of the approved site plan. Examples of major changes include, but are not limited to, changes in: building facade and roofline; wall and roof materials; window and door openings; sign modifications; building illumination and exterior lighting; new mechanical equipment visible from a public way; exterior colors which deviate from existing colors which propose colors other than earth tone colors, such as "bone white", "canary yellow", or "fire engine red". Any proposed change, which does not clearly fit into one of the classifications, minor or major, shall be considered as a major change. (Ord. 1597, 2-24-2004; amd. Ord. 1654, 6-25-2013)

Upon the classification of a proposed change as either minor or major, the procedures described herein shall be followed: (Ord. 1474, 1-8-1991)

Minor changes: May be approved by the development services director or his duly appointed representative. Approval of a minor change shall be made in writing and must include the finding that the minor change will not in any way change the appearance, character or intent of the approved site plan. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

Major changes: May be approved only by the planning commission. The planning commission shall hold a public hearing to consider the major change in accordance with the procedure set forth in subsections (E)2 through (E)5 of this section. The applicant shall submit the following items at least fourteen (14) days prior to a regularly scheduled meeting of the commission:

1. Ten (10) copies of the site plan illustrating the proposed changes.

2. A fee as determined by resolution of the city council shall be paid to defray the costs incidental to the proceedings.

3. Radius map and property owners list of owners within three hundred feet (300') of the subject site as shown on the latest adopted tax roll. (Ord. 1474, 1-8-1991)

4. Any other information which the development services director or his duly appointed representative has determined necessary for the planning commission's review. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

10-4-10: HISTORICAL BUILDINGS IN THE CITY:

(A) Purpose: The purpose of this section is to provide conditions and regulations for the protection, enhancement and perpetuation of the old and historical buildings in historical districts of the city and the perpetuation of historic type architecture within historical districts, which have special historical and aesthetic interest and value. (Ord. 1474, 1-8-1991)

(B) Historical Criteria: Secretary of the interior "Standards For Rehabilitation And Guidelines For Rehabilitating Historic Buildings". (Ord. 1640, 1-11-2011)

(C) Historical District: Said historical district shall include all of the territory bounded as shown in exhibit A, which is on file in the office of the city clerk. A historical district shall predominantly comply with this historical ordinance.

(D) Existing Historical Buildings Preserved: No presently existing building of special historical or aesthetic value or of the historic type of architecture situated within that portion of a historical district described in subsection (C) of this section, shall be torn down, demolished or otherwise destroyed without conforming to this section.

(E) Building Removal; Permit Required: In the event that any building of historical value or interest is damaged by fire, act of God, or in any other manner, or becomes unsafe as defined in the adopted city building codes, or in such state of disrepair or dilapidation as to be untenable by reason of any cause that it cannot with reasonable diligence be repaired and restored, the same may be removed upon issuance of a permit for removal as hereinafter provided.

(F) Construction And Repairs; Conformity Required: All buildings which shall be hereinafter constructed or altered as to their exterior appearance (within the historical districts described in subsection (C) of this section) shall, as to their exterior architecture visible from the street, conform to the historical criteria described in subsection (B) of this section.

(G) Removal Or Permit Issuance: No permit for demolition or removal of any building of historical architecture or special historical or aesthetic interest situated within the area set forth in subsection (C) of this section shall be issued without the approval of the planning commission.

It is the intent of this section not to require new construction to duplicate historic type construction and/or historical architecture. However, it is a requirement that new construction be compatible with historical architecture.

(H) Construction And Repairs; Permit Issuance: No permit for construction or alteration of any building within the area set forth in subsection (C) hereof shall be issued until the plans for construction or alteration have been approved by the planning commission. Notwithstanding anything contained in this section to the contrary, in cases requiring any repair to prevent substantial loss or damage to property, emergency repairs to adequately provide for health and safety, may be made prior to the obtaining of a permit as required by this section.

(I) Notice: The planning commission secretary shall notify the historical advisory committee of any application which is related to this section.

(J) Appeal To City Council: Appeals of planning commission decisions shall be in such manner as provided in section 10-3-7 of this title.

(K) Minor And Major Changes: Any minor changes to an approved plan shall follow the procedure established in subsection 10-4-9(P) of this chapter.

(L) Violation Of Permit: It shall be unlawful for any person to proceed under any permit in a manner which constitutes a material variance from the terms of the permit or the representations on which it was issued, and in the event of such a violation, the permit may be cancelled forthwith by action of the planning commission.

(M) Scope Of Section: The regulations contained in this section are additional to this title as amended, and other sections; provided, however, that in the event of any conflict, the provisions of this section shall prevail.

(N) Penalties: Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars ($500.00), or by imprisonment for a term not to exceed three (3) months, or by both such fine and imprisonment, and such person deemed guilty of a separate offense for each day, or portion thereof, during which any violation of this section is committed or continued. (Ord. 1474, 1-8-1991)

10-4-11: BED AND BREAKFAST ESTABLISHMENTS:

(A) General Provisions: This section shall be known as the bed and breakfast ordinance of the city.

(B) Purposes: This section is hereby established to allow for the establishment of bed and breakfast establishments within the residential zones of the city upon conforming to set criteria and conditions and upon review and approval by the Placerville planning commission.

(C) Criteria And Conditions:

1. The structure to be used as a bed and breakfast establishment shall be of historic significance. It is the applicant's responsibility to show proof of historic significance to the planning commission.

2. Two (2) parking spaces plus one additional space per room to be rented must be provided.

3. Tandem parking is allowed; however, not more than two (2) cars per tandem space shall be allowed.

4. No residential structure shall be removed in order to allow for a bed and breakfast use, nor shall such a structure be removed in order to provide parking for such a use.

5. All parking spaces shall be paved to city standards with materials that maintain the historical character of the neighborhood.

6. If the applicant is unable to meet the criteria of subsections (C)2, (C)3, (C)4 or (C)5 of this section, the applicant may request special consideration from the Planning Commission. The City's intent is not to encourage yards to be destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. In such a case the applicant shall submit an analysis of parking required and parking provided within a three hundred foot (300') radius of the subject parcel.

7. One nonilluminated sign may be erected on the property, not to exceed eight (8) square feet in size. No single dimension of the sign shall exceed four feet (4'). The sign shall complement the nature of the use; i.e., historic structures should have a historic style sign.

8. The proprietor and owner are required to occupy the property.

9. The structure shall remain a residential structure; i.e., the kitchen shall not be remodeled into a commercial kitchen.

10. Meals shall be served only to residents and overnight guests.

11. The use is subject to review at any time and may be revoked after a hearing by the Planning Commission and a finding by the Planning Commission that the use has become detrimental to the surrounding neighborhood.

12. A bed and breakfast use must comply with all other provisions of the zone in which it is located and must comply with all other ordinances of the City.

13. A City business license is required.

14. Any other conditions deemed essential and desirable by the Planning Commission may be imposed on such a use.

15. Permit to allow bed and breakfast use shall be issued for a period not to exceed two (2) years.

16. Any permit is transferable provided that the criteria and conditions are adhered to.

(D) Procedures: An applicant for a bed and breakfast establishment shall follow the procedures for a conditional use permit as specified in section 10-3-6 of this title. (Ord. 1474, 1-8-1991)

10-4-12: ACCESSORY DWELLING UNITS (ADU):

(A) Purpose: The purpose of this section is to provide for the creation of accessory dwelling units in Residential Zones and to set forth criteria and regulations of those accessory dwelling units.

(B) Applicability Of Regulations: The provisions of this section shall apply to all parcels that are zoned RE, R-1A, R1-6,000, R1-10,000, R1-20,000, R-2, R-3, R-4, and R-5.

(C) Permitted Use: Accessory dwelling units as defined in section 10-1-4 of this title are a permitted use in the City's Residential Zoning Districts for residential use that is consistent with the City's general plan, the specific zone for the parcel on which the ADU is to be located, and this section.

(D) Development And Use Regulations: ADUs are subject to the following standards, restrictions and regulations:

1. Minimum Parcel Area: Six thousand (6,000) square feet, or as provided under subsection 10-4-2(A) of this chapter (parcel area).

2. Primary Residence: An existing or proposed single-family residence on the parcel.

3. Density: No more than one ADU is permitted on any one parcel.

4. Subdivision: A parcel having an ADU may not be subdivided in a manner that would allow for the primary dwelling and accessory dwelling unit to be located on separate parcels that do not meet the minimum parcel area, width and/or depth required by the Residential Zoning District in which the parcel is located.

5. Minimum Yards:

   (a) An attached ADU shall comply with all minimum yard requirements for the main dwelling established by the Residential Zoning District in which the parcel is located.

   (b) A detached ADU shall comply with all minimum yard requirements for the primary dwelling established by the Residential Zoning District in which the parcel is located, with the exception of a detached ADU that would not exceed the height standard per subsection 10-4-3(D) of this chapter, may be located on the required rear yard up to five feet (5') from the rear parcel line.

6. Floor Space:

   (a) Detached ADU: Maximum permissible floor space shall be fifty percent (50%) of the square footage of the existing or proposed primary residence, except that the minimum shall not be less than six hundred (600) square feet, or more than twelve hundred (1,200) square feet.

   (b) Attached ADU: The total area of floor space shall not exceed fifty percent (50%) of the proposed or existing primary dwelling or twelve hundred (1,200) square feet.

7. Passageway: No passageway shall be required in conjunction with the construction of an ADU.

8. Building Coverage: ADU units shall count towards the total building coverage for the parcel and the entire building coverage of all buildings may not exceed the permitted building coverage established by the Residential Zoning District in which the parcel is located.

9. Height: The maximum permitted height of an ADU is the same as the maximum permitted height for the Residential Zoning District in which the parcel is located.

10. Parking: One off-street parking space is required, except as provided in subsection (D)11, "Parking Exceptions", of this section, in addition to the required parking for the primary residence, that may be provided in the following configurations and areas in addition to the areas allowed for the primary residence:

   (a) In tandem, meaning two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another; or

   (b) Within required interior side yards.

11. Parking Exceptions: The off-street parking requirement of subsection (D)10, "Parking", of this section, does not apply to the following ADUs:

   (a) ADUs located within one-half ($^1/_2$) mile of public transit as determined by the Director.

   (b) ADUs located within an architecturally and historically significant historic district.

   (c) Existing ADUs that were permitted without additional parking.

   (d) When on-street parking permits are required but not offered to the occupant of the ADU.

(e) When a car share vehicle is located within one block of the accessory dwelling unit as determined by the Director.

(f) The ADU is part of (attached to or within) the proposed or existing primary residence.

12. Consistency: All accessory dwelling units shall comply with all applicable development regulations for the zoning district in which the parcel is located and Building Code requirements set forth in title 4, "Construction Regulations", of this Code unless otherwise specifically provided for in this section.

13. Aesthetics: The ADU shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping.

For Residential Zoned properties listed on the California Register of Historic Places, Placerville Historic Resource Inventory, or in an adopted historic district, any exterior changes that can be visible from the public street to the architecture of existing buildings to create an accessory dwelling shall meet the historical criteria requirements of subsection 10-4-10(B) of this chapter (Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), and shall comply with the requirements of sections 10-4-9 and 10-4-10 of this chapter.

14. Tenancy: Either the main dwelling or the ADU shall be occupied by the property owner when both units are occupied as dwelling units. The ADU shall not be rented, occupied, or offered for rental or occupancy for periods of less than thirty (30) days.

(E) Conversion Of Accessory Buildings:

1. Convert: An accessory building may be eligible to convert into an ADU, subject to meeting criteria as outlined in subsection (E)2 of this section and approval through the process outlined in subsection (F) of this section. No additional off-street parking shall be required to convert an accessory building into an ADU.

2. Eligibility: The following criteria must be met in order to be eligible for the conversion of an accessory building:

(a) Other supporting documentation to show the building was legally built may be substituted for a building permit subject to review by the Director.

(b) The accessory building must be upgraded to meet the Building Code requirements based on the change of occupancy at the time of the conversion.

(c) The accessory building must meet all of the development regulations of subsection (D) of this section, with the exception that no setback shall be required if the conversion is of an existing garage or a portion of an existing garage, and a setback of no more than five feet (5') from the side and rear parcel lines shall be required for an ADU that is constructed above an existing garage.

3. Eligible: All or any portion of an accessory building that meets the eligibility criteria as provided in this section may be demolished and reconstructed to meet the Building Code requirements based on the change of occupancy at the time of conversion. The accessory dwelling unit that replaces the accessory building may retain the setbacks and the footprint of the legally constructed accessory building. The existing setbacks and footprint of the accessory building must be evidenced by valid building permits or other supporting documentation subject to review by the Director. Nothing in this section shall be deemed to authorize the expansion of the footprint or reduction of the setbacks beyond that evidenced by a valid building permit or other supporting

documentation subject to review by the Director or to allow the continuation of any other nonconformity.

(F) Application And Processing Requirements:

1. Submittal: The application for an accessory dwelling unit permit shall be submitted to the Development Services Department concurrent with an application and submittal requirements for a building permit. In addition to the standard submittal requirements for a building permit, an application for an accessory dwelling unit permit shall include all of the following (except as noted below):

   (a) Site Plan: A site plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.

   (b) Floor Plan: A floor plan, drawn to scale, that shows the dimensions of each room, and the resulting floor space. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.

   (c) Elevations: Architectural elevations of the proposed structure showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch.

   (d) Materials And Color Board: A materials and color board for the existing or proposed residence and the proposed ADU.

   (e) Photographs: Color photographs of the site and adjacent properties, taken from each property line of the site, to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of each photograph.

   (f) Exceptions: Applications for accessory dwelling units which do not modify a building's exterior are not required to submit the items described in subsection (F)1(c), (F)1(d), or (F)1(e) of this section.

   (g) Fee: A fee set by the City Council for an ADU shall accompany the application.

   (h) Historic Resources: For residential properties described in subsection (D)13 of this section involving residential historic resources, an ADU request shall also comply with the application and submittal requirements under sections 10-4-9, "Site Plan Review", and 10-4-10, "Historical Buildings In The City", of this chapter.

2. Application Review And Decision:

   (a) Non-Historic Residential Resources: The Director, or the duly appointed representative, shall act on an application for an ADU permit within one hundred twenty (120) days of submittal of a complete application for residential properties not described in subsection (D)13 of this section involving historic residential resources. The ADU permit shall be issued only if the proposed ADU complies with all development and use regulations in this section.

   (b) Historic Residential Resources: The Planning Commission shall act on an application for an ADU for residential properties described in subsection (D)13 of this section. The Planning Commission shall consider all development and use regulations in this section, and the historical criteria requirements of subsection 10-4-10(B) of this chapter (Secretary of Interior

Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), when making its decision.

3. Utility Connection Fees:

(a) Except as provided in subsection (F)3(b) of this section, a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new ADU, payable at time of building permit issuance.

(b) No new or separate utility connection or related connection fee or capacity charge will be required for ADUs that are internal conversions of existing space within a single family residence or an accessory structure.

4. Covenant And Agreement: A covenant and agreement shall be executed by the property owner, it shall be recorded, and shall contain the following:

(a) A statement that the property owner shall be an owner-occupant and shall reside either in the primary residential dwelling or the ADU.

(b) The ADU shall not be sold separately from the primary residential dwelling.

(c) The ADU permit shall run with the land and the ADU permit is binding and enforceable on future property owners. (Ord. 1697, 5-14-2019)

10-4-13: ATTACHED SINGLE-FAMILY DWELLINGS:

(A) Maintenance Agreement Required For Various Forms Of Attached Single-Family Dwellings: The applicant shall submit a copy of a maintenance agreement covering the following items listed below. A maintenance agreement must be recorded prior to receiving the certificate of occupancy for any unit. Applicants should contact the lending institution of their choice to review the maintenance agreement proposed to be recorded. The items that must be mentioned in the maintenance agreement are as follows:

1. Purpose of the agreement. Included in this area should be comments with reference to the protection of the value and desirability of the property. The conditions, covenants and restrictions of the agreement shall stay with the real property and will run with the land in perpetuity. Therefore, the agreement must be recorded.

2. The legal description of the property.

3. The maintenance agreement must define the scope of the maintenance; what is to be maintained; i.e., roof, foundation, walkways, parking areas, etc.

4. A provision must be included for insurance coverage with reference to the common area and the common improvements. The insured amount must be sufficient to cover the replacement value of the common area improvements and the common improvements.

5. Allocation of costs per unit (monthly, semiannual or annual homeowners' dues).

6. Define method for notification of levying assessments and liens.

7. Lien foreclosure plan.

8. Mortgage protection clause.

9. A stipulation that no alterations to the exterior of the building can be made without approval of all owners.

10. No accumulation of garbage, rubbish or offensive material shall be permitted.

11. Define how a dispute will be settled in the event of a disagreement by the owners with reference to assessments, maintenance, etc.

(B) Separate Utility Hookups Required: Separate utility hookups are required for all attached single-family units. (Ord. 1474, 1-8-1991)

10-4-14: SATELLITE DISH ANTENNAS:

(A) Purpose: The purpose of this section is to control the installation of satellite dish antennas. It is recognized that the unrestricted use of these installations will be contrary to the City's efforts to stabilize economic and social aspects of neighborhood environments and the City's efforts to promote safety and aesthetic considerations, family environments and a basic residential character within the City. It is the intent of this chapter to permit antennas where they can be installed without creating an adverse economic, safety and aesthetic impact on neighboring property owners and the overall community.

(B) General: The regulations set forth in this chapter shall apply to satellite dish antennas as defined by section 10-1-4 of this title. Satellite dish antennas shall be permitted uses in any zone in the City provided such installations meet the requirements set forth herein. If such installation cannot meet the requirements set forth herein, then such installations shall be processed as a variance as provided in sections 10-3-5 and 10-3-6 of this title.

(C) Development Standards: The following development standards shall apply to all satellite dish antennas:

1. Setbacks: Satellite dish antennas shall not be located within any required front, side or rear yard setback.

2. Height: The maximum height of any satellite dish antenna shall be thirteen feet (13'). Satellite dish antennas that are roof mounted, or those which exceed thirteen feet (13') in height above natural grade, shall be processed as a variance as described herein.

(D) Screening:

1. A solid fence or wall (wood, brick masonry, or slatted chainlink or some combination thereof) shall be installed around all sides visible from the public right of way when a satellite dish is so located as to be visible from the public right of way, or

2. Landscaping screening and/or trees of sufficient growth to screen the majority of the satellite dish antenna from the public view when the satellite dish is visible from the public right of way.

(E) Application: An application for a satellite dish antenna installation shall be filed with the building division and shall include the following:

1. Location map drawn to scale showing the location of antenna, height of antenna as measured from the natural grade, and setback distances.

2. Site plans showing the location of existing trees and other natural features, buildings on the site, the location and design of proposed landscaping and screening materials or varieties of plants and other landscape features including fences.

3. Additional information, plans, and drawings as deemed necessary by the building or planning division to assist in the evaluation of the design adequacy and a building permit application fee established and amended by resolution of the city council.

(F) Satellite Dish Antenna Installations Within A Historic District: All installations of satellite dish antennas within a historic district shall meet the requirements described herein for any installation within a historic district. Such application shall also be subject to review and recommendation by the historic advisory committee.

(G) Nonconforming Satellite Dish Antennas: Nonconforming satellite dish antennas erected prior to the effective date of this amendment shall be brought into compliance with all development standards of the applicable zoning district regulations as described herein, no later than five (5) years after the said effective date.

(H) Severability: If any section, subsection, phrase or clause of this chapter is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed this chapter and each section, subsection, phrase or clause thereof, irrespective of the fact that any one or more subsections, phrases or clauses be declared unconstitutional. (Ord. 1474, 1-8-1991)

10-4-15: MOBILEHOME PARKS:

(A) General Provisions: This section shall be known as the *MOBILEHOME PARK ORDINANCE OF THE CITY OF PLACERVILLE.*

(B) Purpose: The purpose of this section is to comply with section 65852.7 of Government Code that requires all cities and counties within California to deem a mobilehome park, as defined in section 18214 of the Health And Safety Code, a permitted land use on all land planned and zoned for residential land use as designated by the city's general plan; provided, however, that a city, county, or a city and county may require a use permit. This section also furthers the legislature's intent to eliminate the distinctions between mobilehome park developments and conventional forms of residential land use. Furthermore, the purpose of this section is to allow for the establishment of mobilehome parks within the residential zones of the city upon review and approval of a conditional use permit by the Placerville planning commission.

(C) Enforcement:

1. The city of Placerville's mobilehome park regulations are intended to complement and be subordinate to state law. The state law governing mobilehome parks is entitled the "mobilehome parks act" and may be found in division 13, parts 2.1 and 2.3 of the California Health And Safety Code.

Mobilehome park regulations are contained in the California Code Of Regulations, title 25, division 1, chapters 2 and 2.2. The city of Placerville does not assume responsibility for the enforcement of the regulations contained therein and all mobilehome parks within the city remain subject to the jurisdiction of the California housing and community development department in its role as the enforcement agency for the above described state laws.

2. Mobilehomes located within areas of special flood hazard are required to be in compliance with title 4, chapter 9, "Flood Damage Protection", of this code.

(D) Definitions:

LOT: As defined by section 18210 of the Health And Safety Code, means any area or tract of land or portion of a mobilehome park designated or used for the occupancy of one manufactured home, mobilehome, or recreational vehicle.

MOBILEHOME: A mobilehome, as defined in section 18008 of the Health And Safety Code, or a manufactured home, as defined in section 18007 of the Health And Safety Code, a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Mobilehome" does not mean:

1. A recreational vehicle, as defined in section 799.29 of the Civil Code and section 18010 of the Health And Safety Code;

2. A commercial coach; or

3. Factory built housing, as defined in section 19971 of the Health And Safety Code.

MOBILEHOME PARK: As defined in section 18214 of the Health And Safety Code, means an area of land where two (2) or more lots are rented or leased, 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 manufactured homes or mobilehomes. (Ord. 1649, 7-10-2012)

(E) Mobilehome Park Conditional Use Permit Submittal Requirements:

1. An application for conditional use permit approval for the mobilehome park shall be filed with the development services department. (Ord. 1649, 7-10-2012; amd. Ord. 1654, 6-25-2013)

2. The application for the use permit shall include, in addition to the requirements of sections 10-3-3 and 10-3-6 of this title, the following:

(a) A site location map indicating the location of the proposed park in relation to the surrounding area or region.

(b) A site plan indicating the following:

(1) Park name, date, north point, scale, boundaries and area (square feet and acres) of the site.

(2) The number of proposed mobilehome spaces.

(3) Names and addresses of record owner, engineer or surveyor.

(4) Location, names, and present width and grades of adjacent or abutting streets.

(5) Contour lines shall have the following intervals:

A. One foot (1') contour intervals for ground slope between zero percent (0%) and five percent (5%);

B. Two foot (2') contour intervals for ground slope between five percent (5%) and ten percent (10%);

C. Five foot (5') contour intervals for ground slope greater than ten percent (10%).

(6) Existing topography, including trees, rock formations and other unusual features of the site, and at least one hundred feet (100') beyond its boundaries.

(7) Proposed changes to topography involving grading cut and fill quantities.

(8) Location of all mobilehome spaces; radii of all curves and central angles.

(9) Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain.

(10) Approximate width and location of all existing easements.

(11) Location of existing overhead utility lines and poles on site and on peripheral streets.

(12) Approximate location of all areas subject to inundation of stormwater overflow, and location, width, and direction of flow of all watercourses.

(13) Individual trees with a diameter of more than seven and one-half inches ($7^1/_2$"), measured twenty four inches (24") above existing grade, shall be identified by type, circumference, and dripline. Any trees proposed for removal shall also be indicated.

(14) Screening detail of mobilehome park along full length of its street frontage at street side setback lines.

(15) Landscape plan for mobilehome park street frontage.

(16) Sign plan for mobilehome park identification sign.

(17) Utility plan (electric, water and sanitary sewer).

(18) Vehicular access to the mobilehome park from the public street.

(F) Standards:

1. Development:

(a) Minimum Mobilehome Park Area: Five (5) acres.

(b) Density: Residential density of a mobilehome park shall not exceed the allowable density of the underlying residential zone, except as permitted under the city's density bonus ordinance for approved residential development projects incorporating a density bonus, and state law.

(c) Screening Wall: Along the mobilehome park's public street frontages, a minimum six foot (6') in height screening wall or fence shall be provided and maintained, subject to planning commission approval.

(d) Landscaping: The setback back area along the mobilehome park's public street frontages shall be landscaped with street trees and other plant materials, and equipped with an automatic irrigation system, subject to planning commission approval.

(e) Landscape Maintenance: All vegetation and landscaping subject to the conditional use permit approved by the planning commission shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemicals, blight, or disease, and such vegetation of those that show signs of such damage or injury at any time shall be replaced by the same. A landscaping maintenance agreement between the applicant and the city shall be required to ensure the ongoing maintenance of landscaping.

(f) Identification Signs: Mobilehome park identification signs shall be consistent with subsection 10-4-17(G)7, "Residential Signs", of this chapter.

(g) Grading And Drainage: Grading and drainage facilities shall conform to title 8, chapter 7, "Grading, Erosion And Sediment Control", of this code and the current edition of the "El Dorado County Drainage Manual".

(h) Traffic Impact Analysis: A traffic impact analysis shall be required if the park consists of forty (40) or more units.

2. Access Standards:

(a) Access: Primarily, access to the mobilehome park must be from a city or county road or a private road built and maintained to applicable city of Placerville standards.

(b) Sight Distances: The minimum sight distance shall be ten (10) times the posted speed limit on the existing road. Sight distances shall be measured from the driver's seat of a vehicle that is ten feet (10') behind the curb or edge of shoulder line with the height of the eye three and one-half feet ($3^1/_2$') above the pavement to an object two feet (2') high. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.

(c) Centerline Of A Street: The centerline of any street within a park intersecting an existing public street shall be at least one hundred twenty five feet (125') from the centerline of any other street intersecting that public street.

(d) ADA Accessible Path: An ADA accessible path of travel shall be provided from the mobilehome park to the public right of way.

(e) Guest Parking: In addition to occupant parking, off street guest and service parking shall be provided within the boundaries of the park at a ratio of one space for each four (4) mobilehome lots. (Ord. 1649, 7-10-2012)

10-4-16: EXTERIOR LIGHTING REGULATIONS:

(A) Purpose: The purpose of this section is to regulate lighting to balance the safety and security needs for lighting with the city's desire to preserve the nighttime skyscape and to ensure that light trespass and glare have a negligible impact on surrounding property, especially residential. It is not the intent of this section to require exterior lighting of an entire site or property, but rather to only provide lighting standards and criteria in areas where exterior lighting is necessary to provide for the health and safety of the community.

(B) Definitions: For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

FOOT-CANDLE: A unit of illumination produced on a surface, all points of which are one foot (1') from a uniform point of one candle.

FULL SHIELDING: A technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.

GLARE: A light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

HIGH INTENSITY DISCHARGE (HID) LAMP: An exterior lighting type which produces light by passing an electrical current through a gas. HID lamps include mercury vapor, high pressure sodium (HPS), low pressure sodium (LPS), and metal halide.

LIGHT POLLUTION: An artificial light which causes a detrimental effect on the environment, astronomical research or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

LIGHT TRESPASS: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LUMINAIRE: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, decorative, and support parts.

SHIELDING: A technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through fixtures. (Ord. 1582, 1-22-2002)

(C) Site Plan Review Required: Unless otherwise exempt by this section, all outdoor light fixtures for new multi-family residential and nonresidential development shall be subject to review and approval in conjunction with any land use and development permits for a project. Any retrofit or amendment to an existing multi-family residential or nonresidential site and/or building with a value greater than twenty five thousand dollars ($25,000.00) or twenty five percent (25%) of its assessed value as shown on the most recent tax rolls, whichever is less and whose exterior lighting is deemed by the development services director to have a measurable impact on abutting property or views from street rights of way shall require planning commission approval and may be subject to the criteria set forth herein. (Ord. 1582, 1-22-2002; amd. Ord. 1654, 6-25-2013)

(D) Exemptions: The following types of outdoor lighting fixtures are exempt from the requirements of this section as specified below and are subject to compliance with all other provisions of this title:

1. All outdoor light fixtures existing and legally installed prior to the effective date hereof are exempt from the provisions of this section, provided, however, that no replacement, structural alterations, or restoration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this section. However, exemptions shall be granted to this conformance standard if:

   (a) Utilization of conforming outdoor light fixtures would have the effect of decreasing the lighting levels to below the minimum illumination levels required by this section, and the additional cost necessary to meet the minimum illumination levels would pose an unreasonable financial burden; and/or

   (b) Utilization of conforming outdoor light fixtures would negatively impact the aesthetic quality/architectural design of the property or immediate area by mixing substantially different styles and types of fixtures/poles.

2. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.

3. Temporary lights used for holiday decorations.

4. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of construction work or abatement of said emergency.

5. Lighting of temporary uses and special events permitted consistent with the provisions of this title.

6. Low wattage, noncommercial incandescent, or fluorescent luminaries typically considered "porch lights" in association with multi-family residential uses.

(E) Outdoor Lighting Standards:

1. Shielding Required: Except as otherwise exempt, all outdoor lighting fixtures for new multi-family residential and nonresidential development shall be constructed with full shielding. Where the light source from an outdoor light fixture of a nonresidential development is visible beyond the property line, shielding shall be required to reduce glare so that neither the light source nor its image from the reflective surface shall be directly visible from any point five feet (5') or more beyond the property line.

   In single-family residential zoning districts, outdoor lighting shall be located and/or shielded in a manner to ensure that the intensity and direction of lighting does not constitute a nuisance to abutting residential dwellings or abutting street rights of way.

2. Minimum/Maximum Level Of Illumination: The minimum and maximum levels of illumination permitted are listed below. A photometric study listing the number, type, height, and level of illumination of all outdoor lighting fixtures shall be required in conjunction with the development permit application and prior to issuance of a building permit or site improvement plans to ensure compliance with these provisions.

   (a) Minimum lighting for sidewalks, walkways, parking areas, and other similar areas shall not average less than 0.5 foot-candle, measured at ground level.

   (b) The maximum level of illumination on any lighted area shall not exceed an average greater than ten (10) foot-candles, measured at ground level.

   (c) In order to prevent severe contrasts in illumination levels in parking areas, the ratio of the average level of illumination to the minimum level of illumination shall not exceed four to one

(4:1).

(d) In order to minimize light trespass on abutting property, illumination measured on the property line of a subject parcel shall not exceed 0.3 foot-candle, measured on a vertical plane at six feet (6') in height along the property line.

3. Maximum Height Of Outdoor Light Fixtures: The maximum height of freestanding outdoor light fixtures for new multi-family residential development and nonresidential development abutting a single-family residential zoning district or use shall be twenty feet (20'). The maximum height for freestanding outdoor light fixtures in nonresidential zones shall be twenty five feet (25').

4. Type Of Illumination: All new outdoor lighting fixtures shall be energy efficient. Energy efficient lights include all high intensity discharge (HID) lamps (high pressure sodium, low pressure sodium, and metal halide).

   Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize light trespass and glare.

5. Hours Of Illumination: Automatic timing devices shall be required for all new outdoor light fixtures on multi-family residential and nonresidential development with off hours (exterior lights turned off) between eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. Exceptions are that outdoor lights may remain on in conjunction with the hours of operation of the corresponding use, for security purposes, or to illuminate walkways, roadways, equipment yards, and parking lots.

(F) Lighting Prohibited: The following outdoor light fixtures shall be prohibited as specified below. Existing light fixtures legally permitted or authorized prior to adoption hereof may be maintained.

1. Uplighting/backlit canopies unless otherwise approved by the planning commission in conjunction with a site plan review.

2. Neon tubing or band lighting along building structures as articulation, unless otherwise approved by the planning commission in conjunction with a site plan review.

3. Flashing lights.

4. Illumination of entire building. Building illumination shall be limited to security lighting and lighting of architectural features authorized by the planning commission in conjunction with the required development permit(s).

5. Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

6. Mercury vapor lights.

(G) Variances: Variances from the provisions of this section shall be processed in accordance with the criteria and procedures specified in sections 10-3-5 and 10-3-6 of this title.

(H) Severability: If any provision of this section is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this section is invalid in one or more applications, the part remains in effect in all valid applications that are severable from the invalid applications. (Ord. 1582, 1-22-2002)

10-4-17: SIGN REGULATIONS:

(A) Purpose: The purpose of this section is to provide minimum standards to safeguard life, health, property, and the public welfare in keeping with the unique aesthetic and historic character of the city of Placerville by regulating and controlling the size, height, design, quality of materials, construction, location, electrification, and maintenance of all permanent and temporary exterior signs and sign structures and to accomplish the following results:

1. To promote and maintain healthy commercial centers and property values for effective communication as to the nature of goods and services available and the avoidance of wasteful and unsightly competition in signs;

2. To protect and enhance the character of residential neighborhoods, open views and vistas and property values by prohibiting incompatible or unsafe signs;

3. To encourage signs which are well designed and pleasing in appearance and to provide latitude for variety, design, spacing and location and to provide a reasonable and comprehensive system for the control of signs consistent with the goals and policies of the city general plan;

4. To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience;

5. To enhance the economic value of the entire community through the regulation of the size, location, design and illumination of all signs;

6. To preserve and enhance the historic and scenic character of the city and of the state designated scenic highway corridors.

(B) Definitions:

A-BOARD: A temporary portable sign capable of standing without support or attachment. An A-board sign includes an A-frame sign.

ABANDONED BUSINESS: One that has not operated on a regular and active basis for a period of one hundred eighty (180) days or more, during which the business advertised has not carried on those activities which are necessary and incidental to the operation of a business of like type or character.

ACCESSORY SIGN: A sign that identifies the business or organization located on the premises or advertises or informs about business, products, or services sold or rendered on the premises.

ADVERTISING STRUCTURE: Any structure or device erected for the purpose of supporting any sign or other advertising or informational media in the framework of the sign.

ALTERATION: Any change in the size, shape, method of illumination, copy, construction, or supporting structure of the sign.

ANIMATED SIGN: Any sign that uses movement or a change of lighting to depict action or create a special effect or scene.

AWNING SIGN: A sign painted upon or affixed to an awning. For the purposes of this section, an awning sign shall be considered a wall sign.

BANNER: Any sign of lightweight fabric, plastic or similar material that is mounted to a pole or building and generally temporary in nature. National flags, state or municipal flags shall not be considered banners.

BILLBOARD: A sign that advertises a business commodity or activity which is sold, offered or conducted other than on the premises where such sign is located.

BUILDING FACE OR WALL: All window and wall area of the building in one plane or elevation.

BUSINESS FRONTAGE: The lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door entrance, window, or outdoor service area. For the purposes of this section, a canopy sign shall be considered a wall sign.

COMMERCIAL CENTER: A site with three (3) or more nonresidential occupants, businesses, or uses or a site occupying more than one acre in area.

COMMUNITY WIDE SPECIAL EVENT: A temporary commercial or noncommercial activity for the sale and/or promotion of goods, services or entertainment activities. A communitywide special event is one that benefits, promotes, entertains or educates the community as a whole in contrast to one or several individual interests.

CONSTRUCTION SIGN: A sign with information of those individuals or businesses directly associated with a construction project on the premises.

DIRECTIONAL SIGN: A sign utilized only for the purposes of indicating the location or direction of any object, place or area.

DIRECTORY SIGN: A sign displaying the name of each occupant of a building who is engaged in a business, profession, or occupation, provided such sign does not exceed two (2) square feet.

DISPLAY AREA: See definition of Sign Area.

ENTITY: A business, person or persons, owner or lessee or their heirs, executors, administrators, or assigns for whom a sign is proposed. Each business is considered a separate entity.

FLASHING SIGN: A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing or which changes color or intensity of illumination. This definition does not include electronic time, date and temperature signs.

GRADE (ADJACENT GROUND ELEVATION): The lowest point of elevation of the finished surface of the ground at the base of the sign or the lowest point of elevation of the finished surface of the ground between the base of the sign and the property line if there is less than five feet (5') distance from said sign.

GROUND SIGN: A permanent sign which is supported upon one or more uprights or braces on the ground and not attached to any building, with an overall total height that does not exceed ten feet (10') above grade.

HEIGHT OF SIGN: The vertical distance from the grade to the highest point of the sign.

ILLEGAL ON PREMISES SIGN: This term means any of the following:

1. Any on premises sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use;

2. Any on premises sign that was legally erected, but whose use has ceased, in that the business identified or advertised has been abandoned;

3. Any on premises sign which is a danger to the public, creates or causes a nuisance or is unsafe.

ILLUMINATION, EXTERNAL: A source of illumination directed toward a sign so that the light falls upon the exterior surface of the sign.

ILLUMINATION, INTERNAL: A source of illumination on the surface of a sign from within a sign. A neon sign shall be considered an internally illuminated sign.

INCIDENTAL SIGN: A sign intended primarily for the convenience and direction of the public on the premises which does not advertise but is informational only and does not contain any commercial messages. Incidental signs include those which denote hours of operation, entrances and exits, no parking, loading only, telephone, and other signs required by law.

MARQUEE: A permanent roof structure attached to and supported by the building and projecting outward from the building or over a public right of way.

MARQUEE SIGN: A sign attached to a marquee. For the purposes of this section, a marquee sign shall be considered a wall sign.

MASTER SIGN PLAN: A sign plan for a "commercial center" defined herein. Master sign plan also includes any sign plans or sign packages previously reviewed and approved by the planning commission.

MONUMENT SIGN: See definition of Ground Sign.

NONCONFORMING SIGN: An existing sign lawful at the time of enactment hereof which does not conform to the requirements of this section. Any sign or signs upon property for which the business has ceased for a period of one hundred eighty (180) days or more.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE SIGN: A sign erected on one or more uprights supported from the ground the height of which is greater than ten feet (10') and which is not a part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

POLITICAL SIGN: Any temporary sign which supports the candidacy or a candidate for public office or urges action on any other matter on a ballot of primary, general or special election.

PROJECTING SIGN: Signs other than wall signs which are attached to and project from a structure or building face usually perpendicular to the building face.

REAL ESTATE SIGN: A sign indicating that the premises upon which the sign is located or any portion thereof is for sale, lease or rent.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof or a building supported by the roof structure.

SETBACK: The distance from the front property line to the nearest part of the applicable building, structure or sign measured perpendicularly to the property line.

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public.

SIGN AREA: The area of a sign face or sum of sign faces computed by means of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, canister or display together with any material or color forming an integral part of the background of the display, but not including architectural features, bracing, framework or pole structure.

SPECIAL EVENT: A temporary commercial activity for the sale, promotion or marketing of goods or services. A special event shall not exceed twenty one (21) consecutive days nor occur more than twice per calendar year per business, entity or occupancy.

STREET FRONTAGE: The street that a structure upon property fronts or abuts.

TEMPORARY SIGN: A sign which is temporary in nature and is not permanently affixed to an object or structure. Temporary signs include: flags (not including flags of nations or states); banners; searchlights; sandwich boards; A-boards; sidewalk signs; curb signs; captive balloons, and other air, windblown or inflatable devices.

WALL SIGN: Any sign attached parallel to but within six inches (6") of a wall, painted on a wall surface of or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building.

WIND SIGN OR DEVICE: Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind or breeze.

WINDOW SIGN: Any sign, picture, symbol or combination thereof designed to communicate information about an activity, business commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of a window.

(C) Exempt Signs: The following signs are exempt from this section provided that such exempt signs are not placed, constructed, or located in any manner to cause hazard or nuisance to persons or property:

1. Signs placed or authorized by an official of the city of Placerville in the performance of public duty;

2. Memorial tablets, cornerstones or similar plaques;

3. Flags of national, state or local governments;

4. Temporary political signs not exceeding sixteen (16) square feet in area in commercial districts nor more than eight (8) square feet in residential districts provided the signs are erected no more than sixty (60) days prior to, and removed within fifteen (15) working days following the election for which they were intended. Political signs are not permitted on public property, rights of way, nor attached to trees or natural features;

5. Nameplates indicating the name, address and profession of the occupant not exceeding two (2) square feet in area;

6. Small incidental signs displayed strictly for direction, safety or convenience of the public including signs that identify restrooms, public telephones, parking area entrances and exits, freight entrances provided said signs do not exceed more than four (4) in number on any parcel or two (2) per street frontage whichever is greater; (Ord. 1585, 5-14-2002)

7. One temporary on premises nonilluminated real estate or construction sign not exceeding four (4) square feet in residential districts or sixteen (16) square feet in commercial and industrial districts provided said sign is removed within fifteen (15) days from the sale, lease or rental of the property or upon the completion of the project. Subdivisions of five (5) or more parcels may have one on site sign not exceeding thirty two (32) square feet in area displaying information about the subdivision for a period not to exceed two (2) years. In the event that the subdivision is constructed in phases or if unsold lots remain beyond two (2) years, the development services director may grant reasonable time extensions for the real estate sign; (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

8. Signs painted or placed upon windows in conjunction with nonresidential use, provided that no more than twenty five percent (25%) of the window area is covered;

9. Temporary off premises, directional, open house, or real estate signs provided such signs do not exceed four (4) square feet in area, are located upon private property, and are temporarily erected during the actual function for which the sign is used;

10. One temporary on site nonilluminated sign not exceeding thirty two (32) square feet in area to promote charitable fundraising events for nonprofit and charitable organizations. No more than two (2) such events may be promoted in this manner per parcel per calendar year;

11. Murals (pictures, paintings or similar graphics applied directly to a wall) provided that no mural or portion thereof identifies a business, entity, occupancy or premises;

12. Seasonal decorations placed no earlier than fifty five (55) days before and removed no later than twenty one (21) days after the seasonal event, provided that no seasonal decoration or portion thereof identifies a business entity, occupancy or premises;

13. A sign in conjunction with a grand opening or closing provided that such sign shall not exceed thirty two (32) square feet, or be displayed for a period in excess of thirty (30) days. The sign shall not be placed upon any roof or extend above any roofline or parapet and must be attached or affixed to a solid wall;

14. Balloons under eighteen inches (18") in diameter on private property provided that the tether or anchor of said balloons does not exceed ten feet (10') in length nor interfere with pedestrians, public or private utilities, nor attached to trees or other natural feature.

(D) Prohibited Signs; Exception: The following signs shall be prohibited except as may be permitted herein:

1. Flashing signs;

2. Signs that have or consist of any moving, rotating or otherwise animated part, except such sign that gives public service information such as time, date, temperature and weather;

3. A-board signs, sandwich board, sidewalk menu signs, or any other freestanding temporary sign;

4. Dilapidated, abandoned signs or dangerous to health and safety;

5. Signs or other advertising devices affixed to a fence, utility pole or structure, rock or other natural feature;

6. Mobile signs or signs attached to a motor vehicle or trailer which is parked with the intent to advertise to the traveling public;

7. Pennants and banners;

8. Balloons over eighteen inches (18") in diameter;

9. Commercial billboards or other commercial off premises advertising signs;

10. Wind signs, inflatable signs or devices, or captive balloons;

11. A public address system or sound device used in conjunction with any sign or advertising;

12. A sign of either internal or external illumination which when lighted causes a dangerous effect on motorists or pedestrians or causes a nuisance to adjacent properties;

13. Roof signs;

14. Internally illuminated canopies or fascias unless otherwise approved by the planning commission. (Ord. 1585, 5-14-2002)

(E) Special Event Signage: Temporary signs in conjunction with a "special event" or "community wide special event", as defined herein, shall be subject to review and approval by the development services director. Said request shall be made on an application filed with the development services department and shall be accompanied by an application fee set forth by resolution of the city council.

(F) Sign Permits:

1. Sign Permit Required: No sign regulated by this section shall be erected or displayed unless a sign permit has been issued by the development services department. Signs exempt from the provisions of this section shall not require a sign permit. Permits shall not be required for minor maintenance and repair to existing signs or for changes in sign copy for conforming signs.

2. Required Information For A Sign Permit: For the purposes of review by the development services department, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, relation and attachment to the building and/or other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located upon the building or property. (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

3. Application Fees: The sign permit application must be accompanied by an application fee. Such fee shall be set by resolution of the city council, no part of which is refundable.

(G) Regulations For On Premises Signs: On premises signs shall comply with requirements and criteria set forth herein. Signs for commercial centers defined herein shall comply with subsection (H) of this section.

1. General Regulations:

(a) Number Of Signs: Unless otherwise authorized herein, each separate entity or occupancy shall be permitted to have two (2) signs which shall be limited to not more than one pole, one projecting, or one ground sign. Such signs shall comply with the specific requirements for each type of sign set forth herein.

(b) Aggregate Area Of Signs: Unless otherwise authorized herein, the aggregate area of on premises signage shall not exceed two (2) square feet of sign area for each one lineal foot of business frontage for each business, entity, or occupancy, unless authorized by the planning commission, under the provisions of the master sign plan or conditional use permit referenced herein.

2. Pole Signs; Regulations And Transferability:

(a) Pole signs permitted herein must be approved by the planning commission in accordance with section 10-3-6, "Conditional Use Permit And Variance Procedure", of this title and shall be subject to the following criteria:

(1) Pole signs approved after the effective date hereof are not transferable unless the purpose and use for which the pole sign was approved remains for uses or sites that cater to the highway traveling public.

(2) Pole signs permitted herein must be set back from the front property line one foot (1') for each foot of sign height, unless otherwise approved by the planning commission.

(3) Pole signs shall only be permitted for uses or sites that cater to the highway traveling public in nonresidential zones.

(4) Pole signs shall not exceed the structure height restriction of the zone in which the pole sign is placed. In reviewing and/or approving pole signs, the planning commission, or city council upon appeal, shall limit the height and area of pole signs to the minimum level necessary to serve the purpose for which the sign is intended. The applicant shall have the burden to submit evidence which demonstrates the necessity for the height and area requested.

(5) The pole(s) or support structure shall be decoratively treated in such a manner using materials and colors which are complementary to the site or surrounding area.

(b) In reviewing a permit for a pole sign, the commission shall consider the appropriateness of the sign to the site, topography, surrounding area, setbacks, aesthetics, business needs, existing or proposed signage, alternatives, and other factors. The commission shall have the discretion to approve, approve with modifications, or deny a permit for a pole sign.

(c) Pole signs shall either be nonilluminated or internally illuminated. Internally illuminated pole signs shall have an opaque background and shall be designed so that only the lettering or advertising copy is visible at night.

3. Ground Signs:

(a) The ground sign shall have an architecturally compatible support structure cover consisting of at least fifty percent (50%) but not greater than one hundred twenty five percent (125%) of the width of the ground sign.

(b) The permitted area of a ground sign is one-half (0.5) square foot of sign area per lineal foot of street frontage, forty (40) square foot display area maximum in commercial zones, and twenty four (24) square feet in other nonresidential zones.

(c) Maximum height of a ground sign is ten feet (10') above grade in commercial zones and six feet (6') in nonresidential zones.

(d) Internally illuminated ground signs shall have an opaque background and shall be designed so that only the lettering or advertising copy is visible at night. Externally illuminated signs shall utilize light fixtures which are fully shielded and designed to focus light only on the sign surface.

4. Projecting Signs:

(a) Projecting signs shall not exceed the height of the wall or parapet upon which they are placed.

(b) Projecting signs shall not project more than four feet (4') beyond the building or wall upon which they are placed.

(c) Projecting signs must be a minimum of eight feet (8') above the ground or sidewalk. Projecting signs less than twelve feet (12') in height above the ground or sidewalk shall be placed in a manner which avoids safety conflicts with vehicles, pedestrians or other objects.

(d) The permitted area of a projecting sign is one-half (0.5) square foot per linear foot of street frontage, thirty two (32) square feet maximum.

(e) Internally illuminated projecting signs shall have an opaque background and shall be designed so that only the lettering or advertising copy is visible at night. Externally illuminated signs shall utilize light fixtures which are fully shielded and designed to focus light only on the sign surface.

5. Wall Signs:

(a) Wall signs shall only be permitted in nonresidential zones, except as otherwise permitted herein.

(b) The area of a wall sign or combination of wall signs shall not exceed two (2) square feet of sign area for each one linear foot of business frontage for businesses that have up to fifty feet (50') of business frontage and an additional sixty seven hundredths (0.67) of a square foot for businesses with street frontage greater than fifty feet (50'), not to exceed a total aggregate area of two hundred (200) square feet.

(c) In addition to the regulations of this subsection (G)5, businesses which have more than one "street frontage", as defined herein, may place one additional (2 maximum) wall sign on premises provided the combined area of the signs does not exceed the area set forth in subsection (G)5(b) of this section.

(d) Internally illuminated wall signs shall have an opaque background and shall be designed so that only the lettering or advertising copy is visible at night. Externally illuminated signs shall utilize light fixtures which are fully shielded and designed to focus light only on the sign surface.

6. Historic Signs:

(a) A sign having historical significance, as determined by the planning commission by minute order, shall not be deemed an illegal or nonconforming sign subject to the removal provisions of this section.

(b) Historic signs are not subject to the sign area limitations set herein for entities, occupancy, or businesses with historic signs.

(c) Illumination of historic signs shall be subject to review and approval by the planning commission.

7. Residential Signs:

(a) One nonilluminated ground or wall sign not exceeding ten (10) square feet is permitted per entry or driveway for single-family subdivisions and multi-family developments.

(b) Illuminated signs are not permitted in residential zones unless otherwise approved by the planning commission. (Ord. 1585, 5-14-2002)

(H) Master Sign Plan: New signage for any site having three (3) or more nonresidential occupants or those wishing to deviate from the standards herein shall submit a master sign plan to the development services department. Such plan must be approved by the planning commission prior to issuance of any permit for signs. Major changes, as defined in subsection 10-4-9(P) of this chapter, to any master sign plan previously reviewed and approved by the planning commission shall also require planning commission approval. (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

1. Applications For Approval: Applications for approval of a master sign plan shall be submitted to the planning division and shall include the following:

(a) A master sign plan, drawn to scale, delineating the site proposed to be included within the signing program and the locations of all signs;

(b) Drawings, sketches and color samples/renderings indicating the dimensions and sign area for proposed signs;

(c) Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, and directory signs, or projecting signs are proposed; and

(d) A statement of the reasons for any requested modifications to the regulations or standards of this section.

2. Findings: A master sign plan may include more than one ground or pole sign per parcel or other deviations from the standards of this section, provided that the total sign area for the site or commercial center shall not exceed the maximum aggregate area permitted in subsection (G) of this section, unless the planning commission, or city council upon appeal, makes a finding based upon a preponderance of evidence that unique site characteristics, topography, business needs or other factors exist, in which case it may authorize greater sign area. In approving a master sign plan, the planning commission shall also find:

(a) That the plan's contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of this section; and

(b) That the proposed signs are compatible with the style and/or character of existing improvements on the site and are well related to each other.

3. Reasonable Conditions: The commission, or city council upon appeal, may require any reasonable conditions necessary to carry out the intent of the master sign plan requirements.

4. Appeal: Any interested party may appeal the decision of the planning commission to the city council whose decision shall be final.

5. Master Sign Plan Exceptions:

(a) Change in copy or content for any signs;

(b) General maintenance and repair of signs; (Ord. 1585, 5-14-2002)

(c) Minor changes as determined by the development services director to an approved master sign plan providing that the minor changes are consistent with the intent of the approved master sign plan. (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

6. Application Fee: A master sign plan must be accompanied with an application fee adopted by resolution of the city council.

(I) Prohibited Locations: At intersections, no sign shall create a visual obstruction within a vertical space between thirty inches (30") and ten feet (10') above the curb. The obstruction restriction area includes all land in a triangular area extending from a point fifteen feet (15') in from an intersection to a distance of fifty feet (50') from the intersection along the street property line.

(J) Variances: Variances from the provisions of this section shall be processed in accordance with the criteria and procedures specified in sections 10-3-5 and 10-3-6 of this title.

(K) Uniform Sign Code: All signs subject to this section shall comply with the standards and requirements of the latest adopted version of the uniform sign code. Where this section may conflict with the USC the stricter of the applicable regulations shall apply.

(L) General Requirements For Abatement: A sign or sign structure placed or maintained contrary to this section may be abated as follows:

1. A sign which imposes an immediate peril to the safety of people or property may be summarily removed or abated by the city without the necessity of prior notice or hearing. The property owner is responsible for the removal of such a sign. (Ord. 1585, 5-14-2002)

2. Temporary or portable signs or other signs prohibited by this section shall be subject to removal within ten (10) days of notice by the development services director to the occupant of the property on which the sign is located. The development services director shall remove or cause to be removed any such temporary or portable sign which has not been removed within the same time period specified in the notice. (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

3. The director of public works may summarily remove a sign which is an encroachment in the public right of way without an encroachment permit issued under title 8, chapter 3 of this code.

4. A political sign not posted in accordance with this section shall be removed by the candidate, property owner or person advocating the message on the sign and, upon their failure to do so within the time required herein, by the city.

5. Each person who erects or maintains a sign which is subject to removal under subsection (L)1, (L)2, or (L)3 of this section is jointly and severally liable for the cost of removal. The city shall have lien rights for the cost of removal pursuant to section 1-4B-1 of this code and shall keep possession of such sign until the owner redeems it by paying the city the cost of removal. The city may dispose of such sign thirty (30) working days after removal without further liability to the owner.

6. An illegal or abandoned sign may be abated and the expense of abatement shall be a lien against the property and a personal obligation against the property owner pursuant to section 1-4B-1 of this code. The abatement procedure is that set forth in subsection (O) of this section. (Ord. 1585, 5-14-2002)

(M) Reconstruction Of A Partially Damaged Nonconforming Sign: A nonconforming sign which has been more than fifty percent (50%) destroyed, and the destruction is other than sign copy, and which cannot be repaired within thirty (30) days shall not be restored except in full conformity with the regulations of this section unless a variance is granted to legalize nonconforming aspects of the sign. If the damage is fifty percent (50%) or less, the nonconforming sign may be restored provided that restoration is started within thirty (30) days and diligently pursued until completion. The extent of damage or partial destruction shall be based on the ratio of: 1) the estimated cost of repairing the sign to its condition prior to such damage or partial destruction to 2) the estimated cost of duplicating the entire sign. Estimates for this purpose shall be made by or reviewed and approved by the development services director. (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

(N) Alteration Or Relocation Of A Nonconforming Sign: A nonconforming sign whose owner requests permission to relocate, alter or remodel the sign, other than change the sign copy, shall only be permitted to do so if the relocation, alteration or enlargement will result in elimination of the nonconformity and compliance with all of the requirements of this section, unless variance or master sign package approval is granted to legalize nonconforming aspects of the sign.

(O) Abatement Of Illegal Or Abandoned Signs:

1. Scope And Authority: This subsection is enacted to implement chapter 2.6 of division 3 of the California Business And Professions Code.

2. Designation Of Illegal On Premises Signs:

(a) The city council may declare, by resolution, as public nuisances and abate all illegal on premises signs located within the city of Placerville. The resolution shall describe the property upon which or in front of which the nuisance exists, by giving its assessor's parcel number and its street address, if known. Any number of parcels of private property may be included in one resolution.

(b) Prior to adoption of the resolution by the city council, the city clerk shall send not less than a ten (10) working days' written notice to all persons owning property described in the proposed resolution by way of registered mail. The notice shall be mailed to each person on whom the described property is assessed on the last equalized assessment roll available on the date the notice is prepared. The notice shall state the date, time and place of the hearing, and generally describe the purpose of the hearing and the nature of the illegality of the display. (Ord. 1585, 5-14-2002)

3. Posted Notice: After adoption of the resolution, the development services director shall institute abatement procedures pursuant to title 1, chapter 4B of this code.

(P) Enforcement: The provisions of this section shall be administered by the development services director or designee.

(Q) Revocation Of Sign Permits, Master Sign Plans And Conditional Use Permits:

1. Duties Of The Planning Commission: Upon determination by the development services director that there are reasonable grounds for revocation of a sign permit, or a temporary sign permit, or other discretionary approval authorized by this section, a revocation hearing shall be set by the approving or issuing authority which took final previous action on the permit. (Ord. 1585, 5-14-2002; amd. Ord. 1654, 6-25-2013)

2. Notice Of Public Hearing: Notice shall be given in the same manner required for a public hearing to consider approval.

3. Hearing: The person or body conducting the hearing shall hear testimony of city staff, the owner of the sign for which the permit was granted if present, and any other interested persons. The hearing may be continued without additional public notice.

4. Required Findings: The person or body conducting the hearing shall revoke the permit upon making one or more of the following findings:

(a) That the permit was issued on the basis of erroneous or misleading information or misrepresentations; or

(b) The terms or conditions of approval of the permit have been violated or other laws or regulations have been violated; or

(c) That there has been a discontinuance of the exercise of entitlement granted by the permit for ninety (90) working days.

5. Decision And Notice: Within ten (10) working days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision, and shall mail notice of the decision to the owner of the sign for which the permit was revoked and to any other person who has filed a written request for such notice.

6. Effective Date; Appeals: A final decision by a body other than the city council to revoke a discretionary permit shall become final ten (10) days after the date of decision unless appealed to the city council within said ten (10) day period. Any decision by the city council shall be final and not subject to appeal.

7. Right Cumulative: The city's right to revoke a discretionary permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

(R) Violations: Any person, firm or corporation violating any provisions of this section shall be guilty of an infraction and shall be subject to fines pursuant to subsection 1-4A-3(A) of this code.

(S) Severability: If any provision of this section is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this section is invalid in one or more applications, the part remains in effect in all valid applications that are severable from the invalid applications. (Ord. 1585, 5-14-2002)

10-4-18: KEEPING OF CHICKENS:

(A) Purpose: The purpose of this section is to establish regulations for the keeping of hen chickens in residentially zoned parcels while protecting the public health and safety, and the health and safety of the chickens, through specific standards regarding sanitation, space, and proper animal husbandry.

(B) General: It is unlawful to keep, possess, or maintain chickens on any parcel of property located in the city, except in accordance with the regulations, standards, and restrictions prescribed in this section. Roosters are not permitted on any developed lot used exclusively for residential purposes

unless subject to the exemptions under subsection (E) of this section, or as permitted by conditional use permit under subsection (G) of this section.

(C) Applicability: The restrictions and regulations herein shall only apply to the keeping of chickens in single-family residentially zoned parcels not otherwise permitted in the particular zone district or as exempted under subsection (E) of this section.

(D) Development Standards:

1. A maximum of six (6) hen chickens may be kept on a developed lot used exclusively for residential purposes; and, provided further, that the keeping of hen chickens shall not create a health or nuisance problem.

2. All chickens shall be provided a coop, or other enclosure, and adhere to the following performance standards:

   (a) Any enclosure or other accessory structure exceeding one hundred twenty (120) square feet shall not be constructed without first obtaining a building permit.

   (b) Nesting boxes in enclosure required. The interior of any enclosure shall include nesting boxes of three (3) to five (5) square feet for each chicken.

   (c) Any enclosure shall be a minimum of twenty five (25) square feet.

   (d) Enclosures must have four (4) walls and a roof and be constructed of suitable material. Any enclosure shall be maintained in good repair.

   (e) Enclosures shall maintain at least twenty feet (20') from any property line and from any structure used for human habitation. Any enclosure shall be restricted to either the rear or side yard and shall not be visible from a public street.

   (f) Enclosures shall at all times be maintained in a clean, sanitary condition, and free from offensive odors. An odor is offensive if it can be detected at the adjoining property line.

   (g) The interior of enclosures shall include chicken roost(s), feeder(s), water, and adequate ventilation at all times.

   (h) All chicken feed shall be secured and stored in airtight containers and shall not be accessible by other animals, wild or domestic.

   (i) No hen chickens shall be slaughtered on any developed lot used exclusively for residential proposes.

   (j) Chickens shall be controlled and maintained within the confines of the owner's property at all times to protect the animals from injury, restrict entrance of other animals and predators, and prevent the escape of animals.

(E) Exceptions To Restrictions: This section shall not apply to the following:

1. To any parcel of property zoned for agricultural uses by provisions of the Placerville zoning ordinance in accordance with the general plan; or to any property zoned estate residential (RE) or single-family acre residential zone (R-1A).

2. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the Placerville zoning ordinance.

(F) Treatment Of Animals: All animals shall be treated in a humane manner at all times. Persons engaged in animal abuse, or otherwise in violation of sections 597 and/or 597.1 of the California Penal Code, shall be subject to enforcement and penalties under the applicable provisions of this code and/or title 6 - Animals of the El Dorado County code.

(G) Conditional Use Permit Required: Any person seeking to deviate from the regulations and standards set forth in this section may only engage in the keeping of chickens upon approval of a conditional use permit. (Ord. 1682, 10-11-2016)

10-4-19: SIDEWALK DINING REGULATIONS:

(A) Purpose And Intent: The purpose of this section is to establish regulations to allow limited dining areas to encroach into the public right of way as an ancillary component of an adjacent primary business that is located on private property. It is intended that such sidewalk dining areas will not unduly restrict public access or utilize a design that detracts from the image and appearance of the surrounding area.

(B) Definitions: The following definitions shall apply in the interpretation of this section:

CHAIR: Further defined as either a distinct piece of furniture designed to allow one person to sit upon the same, or when seating is provided on a bench or other similar structure, then every twenty inches (20") of seating space shall be considered as the equivalent of one chair for determining seating capacity.

DIRECTOR: The director of development services department.

FURNITURE: Collectively includes tables, chairs, benches, umbrellas, waiter stands, barriers, tray stands, planters, trash receptacles, or other furniture normally associated with dining.

SIDEWALK DINING AREA: Use of an adjacent, outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment. The outdoor dining area may be located in a public right of way pursuant to this section.

(C) Sidewalk Dining Areas Permitted: Sidewalk dining areas shall be permitted to encroach into the public sidewalks abutting eating establishments for sidewalk dining purposes within all commercial zone districts.

(D) Location:

1. Sidewalk dining areas in the public right of way shall not extend beyond the boundaries of the primary business property to which such activity is subordinate.

2. Sidewalk dining areas may extend into the public right of way; however, a clear pedestrian pathway shall be maintained the full width of the property. The pathway shall maintain a minimum unobstructed passageway of five feet (5') as measured from the dining area to edge of curb or to

any obstruction including, but not limited to, light standards, benches, street trees, trash containers, and newsracks.

(E) Insurance: The permittee shall maintain general liability insurance for the benefit of the city of a type and amount as determined appropriate by the city manager.

(F) Standards: General standards for sidewalk dining areas:

1. Development Standards:

(a) Facilities and equipment shall be of a quality and style that is consistent with the design guidelines adopted by the city and any other applicable design standards and policies. The design, quality, materials and colors used for chairs, tables, lighting and other fixtures shall complement the architectural style and colors used on the adjacent buildings. Sidewalk dining furniture, equipment, and other amenities shall be constructed of metal, unless an alternative material is approved by the director or the planning commission.

(b) Sidewalk dining areas that have more than four (4) tables or more than eight (8) chairs shall separate the dining area from the walkway with fencing, swag roping, decorative plants, landscape planters, or other architectural barriers that prevent encroachment of tables and chairs into the five foot (5') pathway being maintained for pedestrian access. The planning commission may relax this standard when it is clear that there is no reasonable possibility of tables or chairs being moved to encroach on the required pedestrian pathway.

(c) Lighting will be required for sidewalk dining areas where food will be eaten during the evening hours. The lighting fixtures must be decorative and complement the architectural character of the building and area. Lights mounted on the building shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.

(d) Portable umbrellas may be permitted provided they do not obstruct the public right of way or walkway, and do not contain advertising. The minimum vertical clearance from the pedestrian surface for any overhead obstruction including umbrellas shall be eight feet (8').

(e) Furniture shall not be attached, drilled into, adhered to, chained to, or otherwise affixed to the sidewalk tree, pole, or other furniture, or to any permanent structure or building.

(f) Sidewalk dining furniture shall be placed immediately adjacent to and abutting the eating establishment and shall not be placed adjacent to the curb. Exceptions to this requirement may be made by the director or planning commission for self-serve seating (i.e., no table service).

(g) Dining areas serving alcohol shall delineate and separate the sidewalk dining area with a nonaffixed, removable barrier/fence (e.g., a planter box, rope, fence, or other material) approved by the approving authority. Each such barrier shall be easy to remove and store. No barrier shall exceed thirty six inches (36") in height. Dining areas that do not serve alcohol are not permitted to delineate the sidewalk dining area with a barrier in order to keep the appearance of an open sidewalk.

(h) Use of sound amplification on the exterior of a sidewalk dining area is prohibited.

(i) Sidewalk dining area permits are interruptible and terminable licenses for use granted by the city. No property interest shall be conveyed to the eating establishment or to any other person. The city shall have the right and power, acting through the director or planning commission, to revoke, prohibit, or limit operation and use of a sidewalk dining area permit at any time by

reason of anticipated, threatened, or actual problems or conflicts in the use for the sidewalk area. Such circumstances may arise from, but are not limited to, changing patterns of sidewalk use, scheduled festivals or similar event, parades or marches, repairs to the street or sidewalk, or for any other reason.

(j) Any sidewalk dining area shall be temporary in nature and designed so that the entire dining area can be easily removed. Sidewalk dining area furniture, equipment, and other amenities must be removed from the public sidewalk dining area for extended periods of eating establishment closure (2 weeks or more). The city may require removal during special events, etc. The city shall have the right to unilaterally remove unapproved exterior furniture and/or equipment from the sidewalk dining area, and costs of removal shall be borne by the eating establishment.

2. Operational Standards:

(a) The owner of the primary business is responsible for proper operation of the sidewalk dining area. Sidewalk dining shall be continuously supervised by management or employees. Food establishments serving alcoholic beverages shall have a supervisor, at least twenty one (21) years of age, on site at all times of operation. Any behavior that disturbs customers or passersby on the sidewalk will constitute grounds for revocation of any permit(s) to operate an outdoor dining area.

(b) Establishments are required to maintain all areas in and around the sidewalk dining area in a manner which is clean and free of litter and debris.

(c) The sidewalk dining hours of operation shall be limited to the hours of operation of the associated food or beverage establishment.

(d) All plans and permits for the sidewalk dining area approved by the city must be kept on the premises for public inspection at all times during which the associated establishment is open for business.

(e) Sidewalk dining areas shall be operated in a manner that meets all requirements of the El Dorado County environmental management division and all other applicable regulations, laws, ordinances, and standards. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the state alcoholic beverage control department.

(f) Smoking and/or vaping of any substance shall not be permitted within any sidewalk dining or seating area authorized pursuant to this section.

(G) Application For Special Temporary Permit Required: Applications for each sidewalk dining area permit must include:

1. Description: A brief written description to include the name and address of the eating establishment, a description of the propertied sidewalk dining area, the number of tables and seats, and whether the establishment intends to serve alcohol.

2. Site Plan: A plan, drawn to scale, showing the proposed sidewalk dining area including all tables, seats, associated furniture, and barrier; the plan shall show all sidewalk clearance dimensions and elevation. Specifications shall be provided for all barriers, and for any sidewalk heaters. A seating and pedestrian routing plan with dimensions and the anticipated periods of use during the year.

3. Photos Or Drawings: Color photos, renderings, and/or graphics shall show the setup, type of furniture, and materials to be used for all surfaces, including tablecloths, barriers, and umbrellas.

(H) Review Process: A special temporary use permit shall be required as provided in section 10-4-7 of this chapter.

1. Review Authority:

(a) The director shall have administrative authority to review and approve sidewalk dining areas that have not more than two (2) tables or four (4) chairs. For purposes of this chapter, each twenty inches (20") of space on a bench shall be considered as one chair. The development services director may impose reasonable conditions to assure that the dining area is not detrimental to the public health, safety and welfare and is consistent with applicable redevelopment plans and design guidelines.

(b) The planning commission shall have authority to review and approve sidewalk dining areas with more than two (2) tables or more than four (4) chairs and/or dining areas serving alcohol.

2. Conditions Of Approval: The director or planning commission, as applicable, may impose reasonable conditions of approval to ensure that sidewalk dining and display areas operate in a manner that is not detrimental to the public health, safety and welfare, is consistent with all applicable codes, policies and guidelines, and enhances the image, appearance and vitality of the area in which the use is located. This includes, but is not limited to, authority to regulate the design, layout, materials, colors, quality and appearance of outside dining and display areas; to require security deposits, insurance and other reasonable financial guarantees and to prescribe operating terms that the permittee must follow.

3. Appeal:

(a) The decision of the director may be appealed to the planning commission.

(b) The decision of the planning commission may be appealed to the city council.

(c) The above decisions must be appealed in writing to the city clerk's office within ten (10) days after the decision is made.

4. Fees: Each sidewalk dining area permit shall require payment of two (2) fees: a) the encroachment permit fee; and b) special temporary use permit application fee associated with the continued use of the public sidewalk. The fees shall be determined by the city council and adopted by resolution which may be amended from time to time.

(I) Encroachment Permit: An encroachment permit must be obtained from the city engineer before any sidewalk dining is permitted.

(J) Terms And Renewal: A special temporary use permit for a sidewalk dining area may be approved for a maximum of one year. Renewal permits may be granted for one year periods. Special temporary use permits approved by the planning commission may be extended by the director. The city reserves the right to temporarily suspend the permit upon seven (7) days' notice because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals and other similar events.

(K) Enforcement:

1. Penalties: Any person violating any provisions of this section is subject to section 1-4-5, "Penalty", of this code. In addition, the city may seek civil remedies for any violation, including,

but not limited to, the recovery of reasonable costs for the enforcement and correction of the violation.

2. Revocation: Violation of any of the standards in this code or any of the conditions imposed under subsection (H) of this section shall be grounds for revocation of the permit to operate a sidewalk dining area. Such revocation shall require a majority vote of the planning commission at a regular meeting to which the permittee has been given at least ten (10) calendar days' notice. The decision of the planning commission may be appealed to the city council. (Ord. 1689, 2-28-2017)

Chapter 5
ZONE REGULATIONS

10-5-1: ZONE CLASSIFICATIONS:

The zones dividing the territory of the City in accordance with the provisions of section 10-2-4 of this title are designated and abbreviated as follows in order generally from the least restricted to the most restricted classification:

OS	Open Space Zone
RE	Estate Residential
R-1A	Single-Family Acre Residential
R-1, 20,000	Single-Family Residential
R-1, 10,000	Single-Family Residential
R-1, 6,000	Single-Family Residential
R-2	Low Density Multi-Family Residential
R-3	Medium Density Multi-Family Residential
R-4	High Density Multi-Family Residential
R-5	Very High Density Multi-Family Residential
BP	Business-Professional
CBD	Central Business District
C	Commercial
CC	Convenience Commercial
HWC	Highway Commercial
HC	Heavy Commercial
I	Industrial
PF	Public Facilities

PD	Planned Development Overlay
PDI	Planned Development Industrial
AO	Airport Overlay
HO	Housing Opportunity Overlay
CBO	Cannabis Business Overlay

(Ord. 1474, 1-8-1991; amd. Ord. 1510, 8-23-1994; Ord. 1649, 7-10-2012; Ord. 1651, 8-14-2012; Ord. 1655, 7-9-2013; Ord. 1679, 2-9-2016; Ord. 1680, 8-9-2016; Ord. 1695, 1-22-2019)

10-5-2: APPLICABILITY:

(A) Provisions of this chapter imposing regulations for a particular zone classification shall apply uniformly to all zones of that classification; provisions of the general regulations shall also apply to any particular zone whenever the specified circumstances exist.

(B) The use of lands and structures in each zone is limited to the uses listed in the zone regulations for that particular zone as allowed by right, and to the similar or accessory uses to the purposes of such zone. Such uses may be carried out without a use permit. Any use not so listed is unlawful in such a zone.

(C) Uses listed in the zone regulations for a particular zone as allowed by use permit, and the similar or accessory uses listed in resolutions adopted by the commission as conforming to the purposes of such zone, are unlawful in such zone unless a use permit therefor has been granted by the commission, and all terms and conditions of such permit have been complied with.

(D) Uses referred to in this chapter include the structures ordinarily devoted to such uses.

(E) Failure to comply with the regulations for land and structures for a particular zone is unlawful, unless a variance therefor has been granted by the commission, and all terms and conditions of such variance have been complied with. (Ord. 1474, 1-8-1991)

10-5-3: OS OPEN SPACE ZONE:

(A) Purpose: To reserve and protect those areas whose primary purpose is to be open space, either natural or design consistent with the open space element of the general plan.

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Accessory buildings and accessory uses.

Agricultural uses.

Cemetery.

Golf courses.

Natural areas.

Parks.

Playgrounds.

Waterways and basins.

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Uses stated in section 10-3-4 of this title.

(D) General Regulations:

1. Minimum Lot Size: Four thousand (4,000) square feet.

2. Maximum Building Coverage: Thirty five percent (35%).

3. Building Height Limit: Buildings shall not exceed thirty feet (30') in height for a residential building and sixty feet (60') for a public building or a commercial building. (Ord. 1474, 1-8-1991)

10-5-4: RE ESTATE RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone designation is to:

1. Protect the watershed, preserve steep lands in their natural state and provide open spaces.

2. Preserve lands suited for eventual development, pending proper scheduling for the economical provision of utilities, streets, schools, recreation areas and other necessary facilities at the time demand warrants it.

3. Provide lands for outdoor recreational uses on all types of agricultural activities such as raising crops, fruits and animals, providing they do not constitute a nuisance to adjoining properties.

4. Provide for the development of single-family estates in areas served with limited utilities and facilities.

5. Create conditions conducive to a desirable rural environment, protect it from the encroachment of unrelated uses affecting the development of vacant land and detrimental to existing residences, and limit the continuance of such uses in existence in the area. (Ord. 1474, 1-8-1991)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Agricultural use such as raising and grazing of livestock, poultry or other animals; growing and harvesting of trees, fruits, vegetables, flowers, grains or other crops; storage, packing or processing of agricultural products produced on the property, without changing the nature of the products; sale on the property of products produced thereon; provided, that such uses are carried on by a resident

of the property, are incidental to the residential use thereof and are not a nuisance to the contiguous properties; employee housing, large.

Domestic violence shelter.

Employee housing, small.

Home occupations.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

One-family dwelling, one guesthouse; renting of not more than one room.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Small and medium family daycare home. (Ord. 1474, 1-8-1991; amd. Ord. 1627, 9-9-2008; Ord. 1667, 10-28-2014; Ord. 1692, 10-24-2017)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Mobilehome parks.

Uses stated in section 10-3-4 of this title. (Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Maximum density: 0.20 dwelling unit per acre.

2. Minimum parcel area: Five (5) acres.

3. Maximum building coverage: Twenty percent (20%).

4. Minimum parcel width: One hundred fifty feet (150').

5. Minimum yards; setback:

   (a) Dwelling: Front, fifty feet (50'); sides, twenty feet (20'); rear, thirty feet (30').

   (b) Agricultural structure: Front, fifty feet (50'); sides, fifty feet (50'); rear, fifty feet (50').

6. Maximum building height: Thirty five feet (35').

7. Minimum parcel frontage: One hundred fifty feet (150'). (Ord. 1474, 1-8-1991)

10-5-5: R-1A SINGLE-FAMILY ACRE RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for the development of single-family residences in outlying areas and areas having special topographic features, and to prevent a higher population density requiring a higher level of services, or damage to the natural appearance of an area.

2. Create conditions conducive to a desirable low density environment, and protect it from the encroachment of unrelated uses affecting the development of vacant land and of such uses in existence in the area.

3. Provide for sufficient space to enable residents of the property to raise crops and fruits and keep animals in a limited and controlled manner so as to be in keeping with the residential character of the area. (Ord. 1474, 1-8-1991)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Domestic violence shelter.

Employee housing, small.

Home occupations.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

One-family dwelling, one guesthouse, renting of not more than one room.

One stable for not more than two (2) horses, cows or other hoofed animals not kept for remuneration, hire or sale, poultry and other small animals, provided that the keeping of such animals does not create a nuisance to adjacent properties.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Small and medium family daycare home. (Ord. 1474, 1-8-1991; amd. Ord. 1514, 11-22-1994; Ord. 1548B, 6-23-1998; Ord. 1627, 9-9-2008; Ord. 1667, 10-28-2014; Ord. 1692, 10-24-2017)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Mobilehome parks.

Uses stated in section 10-3-4 of this title. (Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Maximum density: One dwelling unit per acre.

2. Minimum parcel area: One acre.

3. Maximum building coverage: Thirty five percent (35%).

4. Minimum parcel width: One hundred feet (100').

5. Minimum yards: Front, thirty feet (30'); sides, ten percent (10%) of the parcel width or ten feet (10') whichever is less; rear, thirty feet (30').

6. Maximum building height: Thirty five feet (35').

7. Minimum parcel frontage: One hundred feet (100'). (Ord. 1474, 1-8-1991)

10-5-6: R-1, 20,000 SINGLE-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for single-family residential development in areas with urban level services and facilities, but limited for development by topography, terrain, or other physical and environmental constraints.

2. Provide housing in areas conducive to low density development and protect such areas from incompatible development.

3. Ensure light, air, privacy and usable open spaces for residential living.

4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood. (Ord. 1474, 1-8-1991)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Domestic violence shelters.

Employee housing, small.

Home occupations.

Keeping of chickens subject to the requirements of section 10-4-18 of this title.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

One-family dwelling, one guesthouse, renting of not more than one room.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Small and medium family daycare homes. (Ord. 1474, 1-8-1991; amd. Ord. 1548B, 6-23-1998; Ord. 1627, 9-9-2008; Ord. 1667, 10-28-2014; Ord. 1682, 10-11-2016; Ord. 1692, 10-24-2017)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Mobilehome parks.

Uses stated in section 10-3-4 of this title. (Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Maximum density: 2.18 dwelling units per acre.
2. Minimum parcel area: Twenty thousand (20,000) square feet.
3. Maximum building coverage: Thirty five percent (35%).
4. Minimum parcel width: One hundred feet (100').
5. Minimum yards: Front, twenty feet (20'); sides, ten percent (10%) of parcel width or ten feet (10'), whichever is less; rear, thirty feet (30').
6. Maximum building height: Thirty five feet (35'). (Ord. 1474, 1-8-1991)
7. Minimum parcel frontage: One hundred feet (100'). (Ord. 1627, 9-9-2008)

10-5-7: R-1, 10,000 SINGLE-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for single-family residential development in areas with urban level services and facilities, but limited for development by topography, terrain, or other physical and environmental constraints.
2. Provide housing in areas conducive to low density development and protect such areas from incompatible development.
3. Ensure light, air, privacy and usable open spaces for residential living.
4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood. (Ord. 1474, 1-8-1991)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Employee housing, small.

Home occupations.

Keeping of chickens subject to the requirements of section 10-4-18 of this title.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

One-family dwelling, one guesthouse, renting of not more than one room.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Small and medium family daycare home. (Ord. 1474, 1-8-1991; amd. Ord. 1548B, 6-23-1998; Ord. 1627, 9-9-2008; Ord. 1667, 10-28-2014; Ord. 1682, 10-11-2016; Ord. 1692, 10-24-2017)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Mobilehome parks.

Uses stated in section 10-3-4 of this title. (Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Maximum density: 4.36 dwelling units per acre.
2. Minimum parcel area: Ten thousand (10,000) square feet.
3. Maximum building coverage: Thirty five percent (35%).
4. Minimum parcel width: Seventy five feet (75').
5. Minimum yards: Front, twenty feet (20'); sides, ten percent (10%) of parcel width or ten feet (10'), whichever is less; rear, twenty feet (20').
6. Maximum building height: Thirty five feet (35').
7. Minimum parcel frontage: Seventy five feet (75'). (Ord. 1474, 1-8-1991)

10-5-8: R-1, 6,000 SINGLE-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for the development of medium density single-family uses in areas feasibly served by utilities, streets, schools, recreation areas and other necessary facilities.
2. Create conditions conducive to a desirable residential environment, protect it from the encroachment of unrelated uses effecting the development of vacant land and detrimental to existing residences, and limit the continuance of such uses in existence in the area.
3. Ensure light, air, privacy and usable open spaces for residential living.
4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood. (Ord. 1474, 1-8-1991)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Employee housing, small.

Home occupations.

Keeping of chickens subject to the requirements of section 10-4-18 of this title.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

One-family dwelling, one guesthouse, renting of not more than one room.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Small and medium family daycare home. (Ord. 1474, 1-8-1991; amd. Ord. 1548B, 6-23-1998; Ord. 1627, 9-9-2008; Ord. 1667, 10-28-2014; Ord. 1682, 10-11-2016; Ord. 1692, 10-24-2017)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Mobilehome parks.

Uses stated in section 10-3-4 of this title. (Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Maximum density: 7.26 dwelling units per acre.

2. Minimum parcel area: Six thousand (6,000) square feet.

3. Maximum building coverage: Thirty five percent (35%).

4. Minimum parcel width: Sixty feet (60').

5. Minimum yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel width or ten feet (10'), whichever is less; rear, twenty feet (20').

6. Maximum building height: Thirty five feet (35').

7. Minimum parcel frontage: Sixty feet (60'). (Ord. 1474, 1-8-1991)

10-5-9: R-2, LOW DENSITY MULTI-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for the development of duplexes and other types of residences, and multi-family dwellings in garden apartments, in areas properly located in relation to commercial and other residential areas, and where utilities, streets, sidewalks, transit, bikeways, schools, recreation areas and other necessary facilities can feasibly serve a high population density.

2. Create conditions conducive to a desirable multi-family residential environment, protect it from the encroachment of unrelated uses affecting the development of vacant land and detrimental to existing residences, and limit the continuance of such uses in existence in the area.

3. Ensure light, air, privacy and usable open spaces for residential living.

4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood. (Ord. 1679, 2-9-2016)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Attached single-family dwelling units, including condominiums or townhouse dwellings, subject to the requirements of sections 10-4-13, "Attached Single-Family Dwellings", and 10-4-9, "Site Plan Review", of this title.

Employee housing, small.

Home occupations.

Multi-family dwelling units.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Single room occupancy facilities.

Small and medium family daycare home. (Ord. 1679, 2-9-2016; amd. Ord. 1692, 10-24-2017)

(C) Conditional Uses:

Detached single-family dwelling, when the Planning Commission finds that due to site circumstances, such as limited parcel area, irregular parcel size, topography, etc., the development of multi-family dwellings is not practicable.

Mobilehome parks.

Professional offices such as accountants, architects, dentists, lawyers, physicians, and engineers provided that development standards as listed in subsection 10-5-13(F) of this chapter be incorporated with the proposed use.

Uses stated in section 10-3-4 of this title.

(D) General Regulations:

1. Maximum density: Eight (8) dwelling units per acre.

2. Minimum parcel area: Six thousand (6,000) square feet or minimum lot area shall be two thousand (2,000) square feet when proposed with various forms of attached single-family dwellings.

3. Minimum parcel area per dwelling unit: Two thousand (2,000) square feet.

4. Maximum parcel coverage: No more than sixty percent (60%) of the total lot shall be devoted to main and accessory building area, parking area, driveway and covered patio area.

5. Minimum parcel width: Sixty feet (60') or twenty feet (20') when proposed with attached single-family dwelling.

6. Minimum yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel or ten feet (10') whichever is less; rear, fifteen feet (15'); or zero feet (0') setback for all yards where common wall or party wall exists with attached single-family dwellings.

7. Maximum building height: Forty feet (40').

8. Minimum room areas: As defined in the California Residential Code.

9. Minimum parcel frontage: Sixty feet (60'). (Ord. 1679, 2-9-2016)

10-5-10: R-3, MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for the development of duplexes and other types of residences, and multi-family dwellings in garden apartments, in areas properly located in relation to commercial and other residential areas, and where utilities, streets, sidewalks, transit, bikeways, schools, recreation areas and other necessary facilities can feasibly serve a high population density.

2. Create conditions conducive to a desirable multi-family residential environment, protect it from the encroachment of unrelated uses effecting the development of vacant land and detrimental to existing residences, and limit the continuances of such uses in existence in the area.

3. Ensure light, air, privacy and usable open spaces for residential living.

4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood. (Ord. 1679, 2-9-2016)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Attached single-family dwelling units, including condominiums or townhouse dwellings, subject to the requirements of sections 10-4-13, "Attached Single-Family Dwellings", and 10-4-9, "Site Plan Review", of this title.

Employee housing, small.

Home occupations.

Multi-family dwelling units.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Single room occupancy facilities.

Small and medium family daycare home. (Ord. 1679, 2-9-2016; amd. Ord. 1692, 10-24-2017)

(C) Conditional Uses:

Detached single-family dwelling, when the Planning Commission finds that due to site circumstances, such as limited parcel area, irregular parcel size, topography, etc., the development of multi-family dwellings is not practicable.

Mobilehome parks.

Professional offices such as accountants, architects, dentists, lawyers, physicians, and engineers provided that development standards as listed in subsection 10-5-13(F) of this chapter, be incorporated with the proposed use.

Uses stated in section 10-3-4 of this title.

(D) General Regulations:

1. Maximum density: Twelve (12) dwelling units per acre.
2. Minimum parcel area: Six thousand (6,000) square feet or minimum lot area shall be two thousand (2,000) square feet when proposed with various forms of attached single-family dwellings.
3. Minimum parcel area per dwelling unit: Two thousand (2,000) square feet.
4. Maximum parcel coverage: No more than sixty percent (60%) of the total lot shall be devoted to main and accessory building area, parking area, driveway and covered patio area.
5. Minimum parcel width: Sixty feet (60') or twenty feet (20') when proposed with attached single-family dwellings.
6. Minimum yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel or ten feet (10') whichever is less; rear, fifteen feet (15'); or zero feet (0') setback for all yards where common wall or party wall exists with attached single-family dwellings.
7. Maximum building height: Forty feet (40').
8. Minimum room areas: As defined in the California Residential Code.
9. Minimum parcel frontage: Sixty feet (60'). (Ord. 1679, 2-9-2016)

10-5-11: R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for the development of duplexes and other types of residences, and multi-family dwellings in garden apartments, in areas properly located in relation to commercial and other

residential areas, and where utilities, streets, sidewalks, transit, bikeways, schools, recreation areas and other necessary facilities can feasibly serve a high population density.

2. Create conditions conducive to a desirable multi-family residential environment, protect it from the encroachment of unrelated uses effecting the development of vacant land and detrimental to existing residences, and limit the continuance of such uses in existence in the area.

3. Ensure light, air, privacy and usable open spaces for residential living.

4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood. (Ord. 1679, 2-9-2016)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Attached single-family dwelling units, including condominiums or townhouse dwellings, subject to the requirements of sections 10-4-13, "Attached Single-Family Dwellings", and 10-4-9, "Site Plan Review", of this title.

Employee housing, small.

Home occupations.

Multi-family dwelling units.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

Residential care facilities and residential service facilities for six (6) or fewer residents, provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Single room occupancy facilities.

Small and medium family daycare home. (Ord. 1679, 2-9-2016; amd. Ord. 1692, 10-24-2017)

(C) Conditional Uses:

Detached single-family dwelling, when the Planning Commission finds that due to site circumstances, such as limited parcel area, irregular parcel size, topography, etc., the development of multi-family dwellings is not practicable.

Mobilehome parks.

Professional offices such as accountants, architects, dentists, lawyers, physicians, and engineers provided that development standards as listed in subsection 10-5-13(F) of this chapter be incorporated with the proposed use.

Uses stated in section 10-3-4 of this title.

(D) General Regulations:

1. Maximum density: Sixteen (16) dwelling units per acre.

2. Minimum parcel area: Six thousand (6,000) square feet or minimum lot area shall be two thousand (2,000) square feet when proposed with various forms of attached single-family dwellings.

3. Minimum parcel area per dwelling unit: Two thousand (2,000) square feet.

4. Maximum parcel coverage: No more than sixty percent (60%) of the total lot shall be devoted to main and accessory building area, parking area, driveway and covered patio area.

5. Minimum parcel width: Sixty feet (60') or twenty feet (20') when proposed with attached single-family dwellings.

6. Minimum yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel or ten feet (10') whichever is less; rear, fifteen feet (15'); or zero feet (0') setback for all yards where common wall or party wall exists with attached single-family dwellings.

7. Maximum building height: Forty feet (40').

8. Minimum room areas: As defined in the California Residential Code.

9. Minimum parcel frontage: Sixty feet (60'). (Ord. 1679, 2-9-2016)

10-5-12: R-5, VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for the development of high density multi-family housing, in areas properly located in relation to commercial and other residential areas, and where utilities, streets, sidewalks, transit, bikeways, schools, recreation areas and other necessary facilities can feasibly serve a high population density.

2. Create conditions conducive to a desirable high density multi-family residential environment, protect it from the encroachment of unrelated uses affecting the development of vacant land and detrimental to existing residences, and limit the continuance of such uses in existence in the area.

3. Ensure light, air, privacy and usable open spaces for multi-family residential living.

4. Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood.

5. Provide high density housing at a density consistent with the default, or minimum, density requirements set forth in California Government Code section 65583.2. (Ord. 1679, 2-9-2016)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Home occupations.

Multi-family housing units.

One accessory dwelling unit, subject to the requirements within section 10-4-12 of this title.

Residential care facilities and residential service facilities for six (6) or fewer residents provided said facility is located at a distance of one thousand feet (1,000') or more from any other existing community care facility as measured from any point upon the outside walls of the structures housing such facilities.

Single room occupancy facilities.

Small and medium family daycare home. (Ord. 1679, 2-9-2016; amd. Ord. 1692, 10-24-2017)

(C) Conditional Uses:

Attached single-family dwelling units, including condominiums or townhouse dwellings, subject to the requirements of section 10-4-13, "Attached Single-Family Dwellings", of this title.

Mobilehome parks.

Professional offices such as accountants, architects, dentists, lawyers, physicians, and engineers provided that development standards as listed in subsection 10-5-13(F) of this chapter are incorporated with the proposed use.

Uses stated in section 10-3-4 of this title.

(D) General Regulations:

1. Residential Density: Housing development density shall be determined at the time the site is rezoned to the R-5 Zone. The density shall be based on the State mandated minimum of twenty (20) dwelling units per acre but will allow for a maximum of twenty four (24) dwelling units per acre. The minimum required density for a site shall be the net density. Net density shall be based on the developable areas of the site, considering site specific environmental constraints such as slope, watercourses, road rights-of-way and/or easements, etc., and the R-5 development regulations of this section.

2. Minimum Parcel Area: Six thousand (6,000) square feet or minimum lot area shall be two thousand (2,000) square feet when proposed with various forms of attached single-family dwellings.

3. Minimum Parcel Area Per Dwelling Unit: Two thousand (2,000) square feet.

4. Maximum Parcel Coverage: No more than sixty percent (60%) of the total lot shall be devoted to main and accessory building area, parking area, driveway and covered patio area.

5. Minimum Parcel Width: Sixty feet (60') or twenty feet (20') when proposed with attached single-family dwellings.

6. Minimum Yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel or ten feet (10') whichever is less; rear, fifteen feet (15'); or zero feet (0') setback for all yards where common wall or party wall exists with attached single-family dwellings.

7. Maximum Building Height: Forty feet (40').

8. Minimum Room Areas: As defined in the California Residential Code.

9. Minimum Parcel Frontage: Sixty feet (60').

(E) Specific Regulations:

1. Environmental Review: The California Environmental Quality Act (CEQA) environmental review will be completed for sites designed under the R-5 Zone at the time the sites are rezoned. All identified site specific development standards and CEQA mitigation measures during the rezone process shall be applicable to the development of residential housing for the site. Subsequent environmental review may be required if, and to the extent necessary, to comply with CEQA.

2. Multi-Family Residential Housing: Multi-family residential housing, when developed per Government Code sections 65583.2 and 65589.5 (or "when required by State law") for either low income, very low income or extremely low income households, shall be developed by right in that the use and density shall not require a conditional use permit, planned unit development or other discretionary action for the use or density of the site. Housing development must include legal commitments to the City to ensure the continued availability of the affordable housing for a minimum period of thirty (30) years at the low, very low, extremely low income household or in combination.

3. Design Review: Site plan review (section 10-4-9 of this title) shall be required for all housing developments proposed within the R-5 Zone that are not developed per subsection (E)2 of this section, and conditional uses under subsection (C) of this section. (Ord. 1679, 2-9-2016)

10-5-13: BP BUSINESS-PROFESSIONAL ZONE:

(A) Purpose: The Business-Professional Zone is intended to provide for the development of professional offices and facilities devoted to professional uses.

(B) Criteria: The following criteria are hereby established for use in the classification or reclassification of land to business-professional office use:

1. General Plan: Compliance with the General Plan.

2. Utilities: The existing utilities system (water, sewer, drainage, electrical, gas and communications facilities) shall be adequate or new systems shall be constructed to adequately service the business-professional development of the property.

3. Environmental: The development will be consistent with good commercial development and will be reviewed in light of its impact on traffic circulation, width of street, open space areas which surround the property, drainage, environmental controls, ingress and egress, fire protection, and accessibility of the property to emergency vehicles. Development shall be compatible with the surrounding zoning. (Ord. 1487, 1-14-1992)

(C) Permitted Uses: The following uses and their accessory uses are permitted outright:

Administrative offices.

Financial offices.

Hospitals.

Medical, dental clinics, laboratories, pharmacies, and related facilities.

Medical training and related facilities.

Professional offices, such as offices for architects, attorneys, dentists, engineers, optometrists, physicians, chiropractors, real estate brokers, physical therapists, and other similar type professions.

Public buildings and facilities.

Reconstruction of single-family dwellings provided that the other regulations of this title are met.

Residential uses and residential service facilities and employee housing, small, when above or below the ground floor.

Any other use deemed by the Planning Commission to be compatible with the intent of the Business-Professional Zone and surrounding uses. (Ord. 1487, 1-14-1992; amd. Ord. 1666, 9-23-2014; Ord. 1667, 10-28-2014)

(D) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-4 of this title.

Office supply stores, gift shops, barbershops, beauty shops, florist shops, etc., may be considered, provided the applicant can submit economic data to show that said retail business will provide services to establishments and workers within the area.

Restaurants and coffee shops.

(E) Uses Prohibited: The following prohibited uses are deemed incompatible with the uses permitted in the business-professional zone and are, therefore, prohibited:

Industrial uses.

Retail commercial uses other than those specifically listed or provided for in subsections (C) and (D) of this section.

(F) General Regulations: The following developmental standards shall apply to the business-professional zone unless a waiver (a deviation of not more than 5 percent) of one or more of the standards has been granted by the planning commission and city council:

A request for such waiver shall be submitted in writing and the justification shall be based upon improving the quality of the development or assisting the logical and practical utilization of the zone while still maintaining its intent and purpose. This waiver shall not be used for increasing a building by deleting a requirement under the standards. The planning department will analyze the request and, based upon its content, shall make a firm recommendation to the planning commission.

1. Minimum Lot Area: Six thousand (6,000) square feet.

2. Minimum Lot Width: Sixty feet (60').

3. Maximum Building Height: Forty feet (40').

4. Yards And Building Setbacks:

(a) Front yards: Ten feet (10'), except when abutting a residential zone the setback shall be twenty feet (20').

(b) Side yard: Ten feet (10').

(c) Rear yard: Five feet (5'), except where abutting a residential zone the setback shall be not less than twenty five feet (25').

(1) Rear yards may be used for parking when the yard is of adequate size and depth and the provisions of the parking section, subsection (F)6 of this section, and the regulations for off street parking and loading[1] are met.

5. Maximum Building Coverage: Sixty percent (60%). (Ord. 1487, 1-14-1992)

6. Off Street Parking And Loading: Off street parking requirements shall comply with section 10-4-4 of this title.

7. Landscaping:

(a) All open areas, with the exception of vehicular accessways, parking areas and pedestrian walkways, shall be landscaped and irrigated. Such landscaping and irrigation shall be permanently maintained.

(b) A minimum of twenty four (24) square feet of planting area with a tree (minimum 15 gallon container size) shall be provided for every ten (10) open, single rows, or twenty (20) open, double rows, of parking stalls.

(c) Landscaping shall consist of combinations of trees, shrubs and ground cover, with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability and adaptability to existing soil and climatic conditions. Fountains, ponds, sculptures, and decorative screen type walls, as an integral part of the landscaping scheme, are permitted and encouraged.

(d) Trees shall be planted in the parkway area in front of the development and along the parkway area of corner lots in accordance with the specifications of approximately one tree (minimum 15 gallon container size) for each forty feet (40') of property abutting a city right of way.

(e) Existing trees, to the greatest extent possible, shall be protected and incorporated into any proposed development plan.

8. Refuse Storage:

(a) All materials, refuse and wastes from business professional uses shall be stored outdoors only in closed containers, and outdoor facilities for refuse or waste disposal shall have a minimum dimension of five feet by seven feet (5' x 7') and shall be screened on all sides from public view by a minimum five and one-half foot ($5^1/_2$') high decorative concrete, block or masonry wall, and the openings provided with a gate of durable wood or comparable material. Such area shall be so located as to be easily accessible for trash pick up. No materials, refuse or waste shall be deposited in such form or manner that they may be transferred off the property by natural causes or force.

(b) Driveways or designated parking areas may not be used for storage of vehicles and/or equipment.

9. Lighting: All lighting of the building, landscaping, parking area, or similar facilities shall be so hooded and directed as to reflect away from adjoining properties.

10. Mechanical Equipment: All ground mechanical equipment shall be completely screened and all rooftop mechanical equipment shall be screened to be completely restricted from all view from ground level.

11. Signs: The provisions of section 10-4-17 of this title shall apply. (Ord. 1474, 1-8-1991)

12. Minimum Parcel Frontage: Sixty feet (60'). (Ord. 1627, 9-9-2008)

10-5-14: CBD CENTRAL BUSINESS DISTRICT ZONE:

(A) Purpose: This zone is established in order to:

1. Provide for a broad range of pedestrian oriented commercial, institutional and public uses.

2. Protect the downtown area from encroachment by unrelated and incompatible uses.

3. Differentiate the downtown area from all other land use designations because of its unique character. (Ord. 1487, 1-14-1992)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Antique stores.

Business and professional offices.

Consignment stores.

Eating and drinking establishments.

Government facilities.

Hotels and motels.

Institutional uses.

One or more multi-family dwellings and residential service facilities, and employee housing, small, when above or below the ground floor.

Pawnshops.

Reconstruction of single-family dwellings, provided that the other regulations of this title are met.

Retail sales. (Ord. 1487, 1-14-1992; amd. Ord. 1636, 4-27-2010; Ord. 1666, 9-23-2014; Ord. 1667, 10-28-2014)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Bus or taxi stations.

Formula businesses.

Gasoline service stations.

Parking facilities and parking lots.

Places of entertainment.

Single room occupancy facilities when above or below the ground floor.

Used merchandise stores.

Uses as stated in section 10-3-4 of this title. (Ord. 1597, 2-24-2004; amd. Ord. 1636, 4-27-2010; Ord. 1664, 9-23-2014)

(D) General Regulations:

1. Minimum parcel area: None.

2. Maximum building coverage: One hundred percent (100%).

3. Minimum parcel width: None. (Ord. 1487, 1-14-1992)

4. Minimum yards: None. (A marquee, canopy, eaves, unenclosed and uncovered balcony and other similar projections, appendages or overhangs may be allowed to encroach beyond the front yard setback and into the public right of way upon the issuance of an encroachment permit by the engineering division and a building permit by the building division. Signs will be allowed to extend into the front yard setback and into the public right of way, and said signs shall conform with the provisions of section 10-4-17 of this title.) (Ord. 1654, 6-25-2013)

5. Maximum building height: Forty feet (40').

6. Minimum parcel frontage: None.

7. Maximum floor area ratio: 3.0. (Ord. 1487, 1-14-1992)

10-5-15: C COMMERCIAL ZONE:

(A) Purpose: This zone is established in order to:

1. Provide the land necessary for retail sales and services, entertainment and other light commercial activities to serve the residents of the community.

2. Provide for the development of commercial facilities concentrated in well planned areas properly located in relation to access, topography and residential areas.

3. Create conditions conducive to a convenient and desirable environment for customers and employees, and protect it from the encroachment of objectionable or dangerous uses and uses which could be located in areas less suited for light commercial activities. (Ord. 1474, 1-8-1991)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Antique store.

Club or association.

Consignment store.

Domestic violence shelter.

Hospital, sanatorium, dispensary, clinic, mortuary.

Motel and hotel.

One- or multi-family dwellings and residential service facilities, and employee housing, small, when above and/or below the ground floor.

One sign not to exceed the allowable size established by section 10-4-17 of this title.

Pawnshop.

Place of worship and accessory social activities.

Professional or business office, bank, studio, place of entertainment and new and used retail sales when fully enclosed in a building, eating or drinking establishments, retail service, exclusive of fast food restaurants and automobile sales or service.

Public utility structure, fire station.

Reverse vending machines.

School, park, playground, golf course, cemetery.

Used merchandise store. (Ord. 1610, 5-23-2006; amd. Ord. 1636, 4-27-2010; Ord. 1654, 6-25-2013; Ord. 1666, 9-23-2014; Ord. 1667, 10-28-2014)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Animal hospital and/or shelter.

Arcade.

Bus or taxi station.

Fast food restaurant.

Gasoline service station, new and used automobile sales and service, bulk petroleum sale, underground storage, bulk storage, wholesale operations, and other light industrial activity.

Helicopter takeoff and/or landing sites. No use permit is necessary for emergency landings or takeoffs by any law enforcement agency, forest service, fire department, hospital or similar emergency service.

Parking facilities and parking lots.

Place of entertainment, new and used retail sales and retail service.

Single room occupancy facilities when above or below the ground floor.

Small collection and large collection recycling facilities.

Uses permitted in section 10-3-4 of this title. (Ord. 1474, 1-8-1991; amd. Ord. 1538, 2-11-1997; Ord. 1664, 9-23-2014)

(D) General Regulations:

1. Minimum parcel area: Six thousand (6,000) square feet.

2. Maximum building coverage: Sixty percent (60%).

3. Minimum parcel width: Sixty feet (60'). (Ord. 1474, 1-8-1991)

4. Minimum yards: Front, four feet (4'); sides and rear, five feet (5') or on the property line if fireproof wall without opening is provided. Exceptions: A marquee, canopy, eaves, unenclosed and uncovered balcony and other similar projections, appendages or overhangs may be allowed to encroach beyond the front yard setback and into the public right of way upon the issuance of an encroachment permit by the engineering division and a building permit by the building division. Signs will be allowed to extend into the front yard setback and into the public right of way, and said signs shall conform with the provisions of section 10-4-17 of this title. (Ord. 1654, 6-25-2013)

5. Maximum building height: Forty feet (40').

6. Minimum parcel frontage: Sixty feet (60'). (Ord. 1474, 1-8-1991)

10-5-16: CC CONVENIENCE COMMERCIAL ZONE:

(A) Purposes: The purpose of this zone is to:

1. Provide for small convenience oriented commercial centers to satisfy limited shopping and service needs to the neighborhood in which it is located. The intent of this designation is to provide an expanded version of what has been historically known as the corner store. It is intended that this classification will not be introduced into already developed neighborhoods, but will be limited to newly developing neighborhoods around the perimeter of the city and its periphery. As these new neighborhoods develop, they will be farther from the center of the city, and thus it is deemed desirable to include well defined and designed convenience commercial centers in such areas. Architecturally, development in this designation must be compatible with the neighborhood in which it is located, and be carefully regulated as to landscaping, signage, glare, noise, parking and hours of operation.

2. Create conditions conducive to a convenient and desirable environment for customers and employees.

3. Differentiate convenience commercial uses from those of the downtown business district, highway commercial areas, and other light commercial areas.

4. Create conditions to promote pedestrian, bicycle, and handicap usage. (Ord. 1487, 1-14-1992)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Markets (excluding gasoline sales), delicatessens (either takeout or sit down), dry cleaners, laundries, and barber and beauty shops.

Reconstruction of single-family dwellings provided that the other regulations of this title are met.

Residential uses and residential service facilities and employee housing, small when above or below the ground floor. (Ord. 1487, 1-14-1992; amd. Ord. 1666, 9-23-2014; Ord. 1667, 10-28-2014)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

The uses stated in section 10-3-4 of this title.

(D) General Regulations:

1. Minimum parcel area: Ten thousand (10,000) square feet.

2. Maximum building coverage: Twenty five percent (25%).

3. Minimum parcel width: One hundred feet (100').

4. Minimum yards:

(a) Along an arterial street: Twenty five feet (25').

(b) Along a collector street: Twenty feet (20').

(c) Along a subcollector street: Fifteen feet (15').

(d) Between parcels in a CC zone: No setback.

(e) Adjacent to another zone: Same setback as required along the property line of the adjacent zone.

(f) No parking will be allowed within setback areas and all setback areas will be landscaped. Landscaping plans shall be reviewed and approved by the planning commission.

5. Maximum building height: Thirty feet (30').

6. Minimum parcel frontage: One hundred feet (100').

7. Floor area ratio: 0.25.

8. Maximum floor area per center: Five thousand (5,000) square feet.

9. Maximum floor area per occupancy: Three thousand (3,000) square feet.

10. Minimum landscape requirement: Twenty five percent (25%). (Public right of way area adjoining the use shall be landscaped and shall not count toward 25 percent landscape requirement.)

11. The hours of operation shall be limited from six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. However, a conditional use permit can be granted which would allow operation to ten o'clock

(10:00) P.M. In no case shall any business operate between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. (Ord. 1487, 1-14-1992)

10-5-17: HWC HIGHWAY COMMERCIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for freeway oriented uses, such as fast food restaurants, gas stations and other uses which are necessary and convenient to the traveling public.

2. Provide for the development of highway commercial facilities concentrated in well defined and designed areas.

3. Create conditions conducive to a convenient and desirable environment for customers and employees.

4. Protect areas in this designation from encroachment by unrelated and incompatible uses.

5. Differentiate freeway and travel oriented uses from those of the downtown business district and other light commercial areas. (Ord. 1487, 1-14-1992)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Business professional and office uses.

Hotels and motels, retail sales and services, eating and drinking and entertainment establishments, financial institutions, one- or multi-family dwellings, and residential service facilities and employee housing, small, when above or below the ground floor.

One emergency shelter.

Reconstruction of single-family dwellings provided that the other regulations of this title are met. (Ord. 1487, 1-14-1992; amd. Ord. 1506, 11-23-1993; Ord. 1650, 7-10-2012; Ord. 1666, 9-23-2014; Ord. 1667, 10-28-2014)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

Antique stores.

Auto sales and services.

Consignment stores.

Fast food restaurants.

Gasoline service stations.

Pawnshops.

Reverse vending machines.

Used merchandise stores.

Uses stated in section 10-3-4 of this title. (Ord. 1487, 1-14-1992; amd. Ord. 1538, 2-11-1997; Ord. 1636, 4-27-2010; Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Minimum parcel area: Six thousand (6,000) square feet.

2. Maximum building coverage: Sixty percent (60%).

3. Minimum parcel width: Sixty feet (60').

4. Minimum yards: None.

5. Maximum building height: Forty feet (40').

6. Minimum parcel frontage: Sixty feet (60').

7. Floor area ratio: 0.6. (Ord. 1487, 1-14-1992)

10-5-18: HC HEAVY COMMERCIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide the land necessary for wholesale, bulk storage, industrial services, manufacturing, processing, packing and other heavy commercial activities to serve the community, and provide employment and income for its residents.

2. Provide for the development of heavy commercial, industrial and service facilities, concentrated in well planned areas properly located in relation to utilities, access, topography and residential uses.

3. Create conditions conducive to a convenient and desirable working environment, control the objectionable or dangerous effects of certain uses necessary in the community but detrimental to other areas, and protect the areas designated under this zone against the encroachment of uses which could be better located in areas less suited for heavy commercial activities. (Ord. 1487, 1-14-1992)

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Animal clinic or shelter.

Bulk storage, wholesale, packing, truck, bus, taxi or rail terminal.

Gas station, new and used automobile sales and services.

Manufacturing, processing, services or research, provided that no odor, gas, fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, radioactive or waste material is produced or emitted beyond the confines of the property onto contiguous properties or into the air or watercourses, to an extent constituting a nuisance, and provided it does not constitute a physical

hazard to persons or properties beyond the confines of the property by reason of fire, explosion or similar cause.

Office or retail sale.

One dwelling or one mobilehome for caretaker, watchman or person primarily employed on the property and his/her immediate family.

One sign not to exceed the allowable size established by section 10-4-17 of this title.

Public utility structure, fire station.

Reconstruction of single-family dwellings provided that the other regulations of this title are met.

Trade school. (Ord. 1610, 5-23-2006; amd. Ord. 1654, 6-25-2013)

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

A processing facility for recyclable materials.

Antique stores.

Consignment stores.

Excavation of earth or building materials, mining or drilling for minerals and petroleum, garbage and rubbish fill and disposal, junk and wrecking yards.

Parking facilities and parking lots.

Pawnshops.

Small collection and large collection recycling facilities.

Used merchandise stores.

Uses as stated in section 10-3-4 of this title. (Ord. 1487, 1-14-1992; amd. Ord. 1636, 4-27-2010; Ord. 1649, 7-10-2012)

(D) General Regulations:

1. Minimum parcel area: Six thousand (6,000) square feet.

2. Maximum building coverage: Sixty percent (60%).

3. Minimum parcel width: Sixty feet (60').

4. Minimum yards: Front, ten feet (10'); sides and rear, five feet (5') or on the property line if there is a fireproof wall without opening.

5. Maximum building height: Fifty feet (50').

6. Minimum parcel frontage: Sixty feet (60'). (Ord. 1487, 1-14-1992)

10-5-19: I INDUSTRIAL ZONE:

(A) Purpose: The purpose of this zone is to:

1. Provide for manufacturing uses, including assembly operations and industrial services, to serve the community, and provide employment and income to its residents.

2. Provide for the development of industrial facilities concentrated in well defined and planned areas, properly located in relation to utilities, access, topography and residential uses.

3. Create conditions conducive to a convenient and desirable working environment.

4. Control the objectionable effects of certain uses necessary in the community but detrimental to other areas.

5. Protect areas in this designation from encroachment of uses which could be better located in areas less suited for industrial activities.

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Manufacturing, processing, assembly, outdoor storage, wholesale and retail sales, parking facilities.

Reconstruction of single-family dwellings provided that the other regulations of this title are met.

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

A processing facility for recyclable materials.

Excavation of earth or building materials, mining or drilling for minerals and petroleum, garbage and rubbish fill and disposal, junk and wrecking yards.

Small collection and large collection recycling facilities.

Uses permitted in section 10-3-4 of this title.

(D) General Regulations:

1. Minimum parcel area: Six thousand (6,000) square feet.

2. Maximum building coverage: Sixty percent (60%).

3. Minimum parcel width: Sixty feet (60').

4. Minimum yards: Front, ten feet (10'); sides and rear, five feet (5') or on the property line if there is a fireproof wall without opening.

5. Maximum building height: Fifty feet (50').

6. Minimum parcel frontage: Sixty feet (60'). (Ord. 1487, 1-14-1992)

10-5-20: PF PUBLIC FACILITIES ZONE:

(A) Purpose: This zone is intended to provide for those uses and activities customarily conducted by government agencies and philanthropic nonprofit organizations.

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Charitable and philanthropic institutions.

Governmental buildings and facilities designed for public use and accommodation.

Public libraries, museums and schools.

Reconstruction of single-family dwellings provided that the other regulations of this title are met.

Uses, buildings and structures incidental, accessory and subordinate to permitted uses.

Water and wastewater treatment plants, substations and other public service facilities of a similar nature.

Any other use deemed by the planning commission to be compatible with the intent of the PF zone and surrounding uses.

(C) General Regulations:

1. Minimum lot area: Six thousand (6,000) square feet.

2. Minimum lot width: Sixty feet (60').

3. Maximum building height: Forty five feet (45').

4. Yards and building setbacks:

(a) Front yards: Ten feet (10'), except when abutting a residential zone the setback shall be twenty feet (20').

(b) Side yard: Ten feet (10').

(c) Rear yard: Five feet (5'), except where abutting a residential zone rear yard shall be required, except as provided in subsections (C)1 and (C)2 of this section. The setback shall be not less than twenty five feet (25').

(d) Encroachments into required yards shall comply with subsection 10-4-3(B) of this title.

5. Maximum building coverage: Sixty percent (60%). (Ord. 1487, 1-14-1992)

10-5-21: PD PLANNED DEVELOPMENT OVERLAY:

(A) Purpose: The purpose and intent of this section is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity and innovation, use the natural features of the landscape to their greatest

advantage, provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes, be aesthetically pleasing, provide for more efficient land use, and reduce the impact of development on the natural environment and neighborhood. This section may be used in any zone. The intent of this overlay is to maintain the density of the zone.

(B) Permitted Uses: The uses permitted in the zone used in conjunction with this section. (Ord. 1474, 1-8-1991)

(C) Procedure:

1. Preliminary Development Plan:

(a) Submission Of Preliminary Plan; Contents: A preliminary development plan shall be submitted to the development services department. The preliminary development plan shall include maps or drawings in schematic form and shall include the surrounding areas to show the relationship of the PD to existing adjoining uses. The preliminary development plan shall include the following: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(1) Proposed land uses; the number of dwelling units; acres and population density for all residential areas.

(2) Proposed circulation system, indicating both public and private streets and off street parking.

(3) Public uses, if any, including schools, parks, recreation areas and other open spaces.

(4) The use and description of each different type of structure.

(5) An indication of any proposed modification in the regulations applicable to the subject property.

(6) The expected schedule and sequence of development. (Ord. 1474, 1-8-1991)

(b) Action By The Development Services Department: The development services department shall review said development plan and schedule a public hearing before the planning commission within thirty (30) days after submission. If the development services department feels that revisions should be made before presentation to the planning commission, a representative of the development services department shall meet with the applicant to review the proposed changes.

(c) Public Hearing Before Planning Commission: At the time and place for public hearing, the planning commission shall review the preliminary development plan considering the development services department's report thereon, following which the commission shall either: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(1) Disapprove the application and abandon proceedings, or

(2) Instruct the applicant to prepare a proposed development plan for the planning commission's consideration and further action. The applicant shall submit the proposed development plan within six (6) months of this action. If no proposed development plan is submitted in the above said time, the application shall automatically be terminated, or

(3) Continue the public hearing to a date certain and refer the petition and preliminary development plan back to the petitioner with recommendations as to amending the petition

and preliminary development plan to be consistent with the requirements and intent of this section. (Ord. 1474, 1-8-1991)

2. Proposed Development Plan:

(a) The development services department shall review the proposed development plan which consists of the following listed details and formulate a recommendation thereon to the planning commission: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(1) Identification And Description:

A. Proposed name.

B. Location by legal description.

C. Names and addresses of applicant and designer who made the plan.

D. Scale of plan, preferably one inch to twenty feet (1":20').

E. Date.

F. North point.

(2) Existing Conditions:

A. Contours at an interval to be specified by the community development department.

B. Boundary lines of proposed planned development indicated by a solid line, and the total acreage therein.

C. Location, widths and names of all existing or prior plotted streets or other public ways, railroad and utility rights of way, parks and other public open spaces, permanent buildings and structures and their use, permanent easements and city boundaries within three hundred feet (300') of the proposed development.

D. Existing sewers, water mains, culverts and other underground facilities within the development, indicating pipe sizes, grades, manholes and their general locations.

E. The land ownership.

F. Location, type and size of trees.

(3) Proposed Conditions:

A. Land Use:

i. A land use plan indicating all proposed uses.

ii. Any areas proposed for interior circulation. If the developer proposes that any of these be public spaces, he/she shall indicate them.

iii. Open space that is to be maintained and controlled by the owners of the property, and their successors in interest, for this planned development.

B. Contours And Drainage:

i. Contours as they will be after development.

ii. Drainage system and sanitary sewers.

iii. Preliminary grading and erosion control plans.

iv. Soils report.

C. Circulation:

i. A street system and lot design with appropriate dimensions.

ii. A traffic flow map showing circulation pattern within and adjacent to proposed development. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of the circulation pattern shall be shown.

iii. Location and dimensions of pedestrian walkways and malls.

D. Parking And Loading:

i. Location, arrangement, number and dimension of automobile garages and parking spaces, width of aisles, width of bays and angles of parking.

ii. Location, arrangement and dimensions of truck loading spaces and docks.

E. Plans:

i. Types of buildings and their site locations.

ii. General description of units and any available plans or elevations which would be helpful to the planning commission.

iii. The approximate location, height and materials of all walls, fences and screen planting.

iv. Location, size and tree species to be removed.

v. A tree preservation plan for pre- and post-construction periods prepared by a tree professional.

vi. A landscaping plan.

F. Miscellaneous:

i. Tables showing the total number of square feet and their distribution use, including off street parking, streets, parks and open spaces as shown on the proposed development plan.

ii. Drafts of covenants, conditions and restrictions (CC&Rs), providing for the maintenance of any common open space, drafts of required dedications of development rights.

iii. For purposes of information, a time schedule indicating when construction is to begin, the anticipated rate of development and the approximate completion date.

iv. For purposes of information, the stages, if any, to be constructed in the development of the planned development. Such stages shall be clearly indicated on the proposed development plan.

v. Such other information as the commission shall require. (Ord. 1474, 1-8-1991)

3. Continued Public Hearing Before The Planning Commission:

(a) At the time and place set for the continued public hearing before the planning commission, the commission shall consider the proposed development plan, recommendations of the development services department, the appropriate environmental documentation, and any other information available, and shall take one of the following actions: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(1) The planning commission may recommend approval to the city council, refer the proposed development plan back to the developer with recommendations as to amending, or may deny the request, or

(2) The planning commission shall not recommend approval of the application and recommend the establishment of a PD overlay unless it makes the following findings:

A. That the proposed development is so designed to provide a desirable environment within its own boundaries.

B. That any exceptions to the standard requirements of the zone regulations are justified by the design and topography of the development.

4. Action By The City Council:

(a) At the time and place set for public hearing on the PD overlay the city council shall consider the recommendation of the planning commission, appropriate environmental documentation, together with any comments and testimony thereon; and take one of the following actions:

(1) Approve the PD overlay and adopt the proposed development plan with any conditions placed thereon, or

(2) Continue the public hearing to a date certain and refer the application and proposed development plan to the commission with recommendations to amending said application and proposed development plan, or

(3) Disapprove the application and proposed development plan and abandon proceedings thereon. (Ord. 1474, 1-8-1991)

5. Filing Of Official Development Plan:

(a) Certified copies of the official development plan shall be on file in the development services department. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

6. Relationship Of PD Procedures To Other City Regulations:

(a) Compliance with the provisions of this section does not relieve the applicant from compliance with any other applicable ordinance or resolution of the city, if no waiver has been granted by the city from compliance with any other ordinance or resolution.

(1) Subdivision maps, site plan review or conditional use permits shall be processed concurrently with the proposed development plan required under this chapter. (Ord. 1474, 1-8-1991)

(2) Environmental impact reports or negative declarations of environmental impact shall be prepared in draft form and presented to the development services department. This will normally be prepared after the public hearing by the planning commission on the preliminary development plan. The final document shall be considered by the city council concurrently with the proposed development plan. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

7. Procedure Prior To Issuance Of Building Permit: No building permit shall be issued for any building, structure or use which does not conform to the official development plan.

8. Dedication Prior To Issuance Of First Building Permit: To assure that open space shall be available for the proposed development, public sites and development rights to required open spaces shall be dedicated or conveyed in advance of development. In any event, whether a subdivision map is required or not, dedication or conveyance of public sites and development rights to required open spaces for the entire PD overlay or any portion thereof shall be made

before the first building permit is issued. Other dedications or conveyances may be required before the issuance of the first building permit. (Ord. 1474, 1-8-1991)

9. Procedure After Adoption Of The Official Development Plan:

(a) Minor changes in the adopted official development plan may be approved by the development services department provided that such changes: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(1) Do not change the boundaries of the subject property.

(2) Do not change any use as shown on the official development plan.

(3) Do not change the intent of the official development plan.

(b) Major changes in the official development plan after it has been adopted by the council shall be considered the same as if a new application were filed and shall be made in accordance with the requirements of this section.

10. Post Approval Review: If, after eighteen (18) months from final action approving the development plan, the land has not been developed as approved, the commission may hold a public hearing to consider a recommendation to the city council for the revocation of the approved development plan. (Ord. 1474, 1-8-1991)

(D) Planned Development Overlays: Planned development overlays (PD) shall not be exempt from the provisions of subsection 10-4-2(D)4 of this title. However it is recognized that in order to conform with subsection 10-4-2(D)4 of this title, PD overlays have to be calculated differently in order to determine the relationship between the slope of the property and the density allowed. PD overlays shall not have a density greater than a subdivision designed to the provisions of this title. Therefor an application for a PD overlay shall include a subdivision map which conforms to all provisions of this title except for this section. This map will be used to:

1. Determine the density to which the PD overlay project will be limited; and

2. Will be compared to the PD overlay project to determine if the PD overlay accomplishes the purpose as described in subsection (A) of this section.

Once the density for the project has been established using the map described above, the applicant shall redesign the subdivision using the more flexible provisions of this section to produce a final design. (Ord. 1502, 9-14-1993)

10-5-22: PDI PLANNED DEVELOPMENT INDUSTRIAL:

(A) Purpose: The purpose of this zone is to:

1. Provide for manufacturing uses including assembly operations and industrial services to serve the community and provide employment and income to its residents.

2. Provide for the development of industrial facilities concentrated in well defined and well planned areas properly located in relation to utilities, access topography, and residential uses.

3. Create conditions conducive to a convenient and desirable working environment.

4. Provide an area for incubator industries or cottage industries to flourish and grow within a historic setting.

5. To provide an area that encourages tourist oriented uses such as campgrounds, recreational vehicle parks and conference facilities, stores, restaurants and other recreational uses and to ensure that such uses are constructed in such a way as to be compatible with adjoining planned industrial uses.

6. To provide for uses and areas that will encourage economic growth and encourage tourism both locally and regionally.

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Assembly.

Incidental wholesale and retail sales.

Manufacturing.

Outdoor storage.

Processing.

Public and quasi-public facilities and uses.

(C) Conditional Uses: The following uses and their accessory uses are permitted when authorized in accordance with the provisions of section 10-3-3 of this title:

A processing facility for recyclable materials.

Amphitheaters.

Campgrounds and recreational vehicle parks.

Conference facilities.

Equestrian centers.

Restaurants.

Small and large collection recycling facilities.

Stores.

The uses as stated in section 10-3-4 of this title.

(D) General Regulations:

1. Minimum parcel area: Six thousand (6,000) square feet.

2. Maximum building coverage: Sixty percent (60%).

3. Minimum parcel width: Sixty feet (60').

4. Maximum building height: Forty feet (40').

5. Minimum parcel frontage: Sixty feet (60').

6. Minimum yards: Front, twenty feet (20'); sides, twenty feet (20'); rear, twenty feet (20').

7. Maximum floor area ratio: 0.40.

(E) Definitions:

CAMPGROUND: A plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

EQUESTRIAN CENTER: A facility for horseback riding, staging, showing, keeping, training and accessory uses for horses. (Ord. 1510, 8-23-1994)

10-5-23: AO AIRPORT OVERLAY ZONE:

(A) Purpose: The purpose of this zone is to:

1. Implement the Placerville Airport land use compatibility plan (ALUCP) in accordance with state law, adopted by the El Dorado County airport land use commission (ALUC) and incorporated into the general plan land use element by city council resolution 8105;

2. Implement the city's general plan policy to provide for land uses surrounding the Placerville Airport that is consistent with the Placerville ALUCP;

3. Protect land uses around the airport from potential hazards of airport operations;

4. Identify a range of uses compatible with airport accident hazard and airport noise exposure;

5. Prohibit the development of incompatible uses that are detrimental to the general health, safety and welfare and to existing and future airport operations;

6. Require noise attenuated construction within the airport environs; and

7. Comply with federal aviation administration (FAA) regulations.

(B) Applicability: The standards and regulations of this section apply to all lands within the AO overlay zone mapped on the official zoning map. The AO overlay zone is conterminous with the Placerville Airport influence area as identified in the adopted ALUCP influence area map in chapter 6 and defined under section 2.7 of chapter 2 of the ALUCP.

Regulations in the AO overlay zone modify and supplement the underlying zoning designation regulations. Within the AO overlay zone district, the noise impact zones, airport safety zones, airspace protection and aircraft overflight zone policies of the ALUCP apply.

(C) Permitted Uses: All of the uses permitted in the underlying zone, provided the use is consistent with the land use compatibility policies and criteria with respect to airport related noise, public safety, airspace protection, and aircraft overflight areas established in the ALUCP.

(D) Development Review Procedures: The Placerville ALUCP in effect at the time an application was deemed complete shall be the basis for compatibility review.

1. Development Services Department Review:

(a) New development or expansion of existing development within this overlay zone shall be subject to review by the development services director, or designee for ALUCP consistency. Depending on the type of land use development, a consistency review could also involve action by the planning commission and possibly city council as part of other land use requests authorized within this title. Examples of other land use requests include, but are not limited to, site plan reviews, tentative subdivision maps, general plan amendments, zone changes, variances, conditional use permits, etc.

Proposed land uses within the zone shall be consistent with the following compatibility policies and maps in chapters 4 and 6 of the Placerville ALUCP:

(1) Noise compatibility policies: Subsections 4.2.1 through 4.2.4 of section 4.2, the noise compatibility criteria in table 1 of chapter 4, and the noise zones policy map of chapter 6;

(2) Safety compatibility policies: Subsections 4.3.1 through 4.3.8 of section 4.3, the safety compatibility criteria in table 2 of chapter 4, and the safety zones policy map of chapter 6;

(3) Airspace protection policies: Subsections 4.4.1 through 4.4.5 of section 4.4 of chapter 4 and the airspace protection zones policy map of chapter 6;

(4) Overflight policies: Subsections 4.5.1 through 4.5.3 of section 4.5 of chapter 4 and the overflight zones policy map of chapter 6;

(5) Special circumstances policies: Section 4.6 of chapter 4;

(6) Additional compatibility policies: PLA.1 of chapter 6.

(b) Minimum submittal requirements for development review:

(1) Property location data (assessor's parcel number, street address, subdivision name, lot number).

(2) An accurately scaled map depicting the project site location in relationship to the airport boundary and runways.

(3) A description of the proposed use(s), current general plan and zoning designations, and the type of land use action being sought from the city (e.g., zoning variance, conditional use permit, site plan review, building permit).

(4) When determined by the development services director or designee, a detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; location of existing and proposed structures, open spaces, and water bodies; ground elevations (above mean sea level) and elevations of tops of structures and trees. Additionally:

A. For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units).

B. For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the number of people expected to occupy the total site or portions thereof at any one time during busiest periods.

(5) Identification of features, during or following construction, that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the airport or in its environs (see policy 4.4.3(a)(6)). Such features include, but are not limited to, the following:

A. Open water areas.

B. Sediment ponds, retention basins.

C. Detention basins that hold water for more than forty eight (48) hours.

D. Artificial wetlands.

E. Conservation areas.

(6) Identification of characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.

(7) Submittal requirements as part of other land use requests authorized within this title.

(8) Other relevant information that the ALUC or ALUC executive director, in consultation with the city development services director, determine to be necessary to enable a comprehensive review of the proposed action.

2. Airport Land Use Commission Review:

(a) Prior to the city approving any of the following land use actions located within Placerville Airport influence area as shown on the ALUCP influence area policy map (PLA-1) in chapter 6 of the ALUCP, the development services department shall refer the proposed action to the ALUC for a formal determination of consistency with the policies of the ALUCP:

(1) The adoption or approval of any new general or specific plan or any element thereto.

(2) The adoption or approval of a zoning ordinance, including any proposed change or variance to any such ordinance, general regulation or development standard.

The land use action project applicant shall submit to the ALUC the applicable ALUC review fee set by the ALUC. Per Public Utilities Code section 21676(d), the ALUC has sixty (60) days to make a determination. Failure by the ALUC to make a determination within the sixty (60) day period, means the action will be deemed consistent with the ALUCP.

(b) The development services department shall refer to the ALUC for informal review and comment prior to the city approving any of the following land use actions located within the

Placerville Airport influence area as shown on the ALUCP influence area policy map (PLA-1) in chapter 6 of the ALUCP:

(1) Any proposed expansion of the city's sphere of influence, prezoning associated with future annexation of land to the city, development agreements or amendments to such agreements.

(2) Any subdivision of land for residential purposes, including parcel divisions consisting of five (5) or more parcels or dwelling units, or the construction of residential units other than on a designated single-family residential parcel.

(3) All discretionary development proposals having a building floor area of twenty thousand (20,000) square feet or greater unless only ministerial approval is required.

(4) Any discretionary development proposal for projects attracting more than one hundred (100) people to outdoor activities on the project site.

(5) Major infrastructure or other capital improvements which would promote urban uses in undeveloped areas, and proposed land acquisitions by the city for any facility accommodating a congregation of people.

(6) Any project involving a building, antenna or other built structure having a height that requires review by the federal aviation administration (FAA) in accordance with part 77 of the federal aviation regulations.

(7) Any project that may cause electrical (interference with radio communications or navigational signals) or visual hazards to aircraft in flight (lighting which could be mistaken for airport lighting, or glare in the eyes of pilots using the airport).

(8) Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., habitat conservation plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the airport vicinity.

(9) Any replacement or expansion of existing structures or uses on a site with new or additional structures or uses to replace an existing use at a density or intensity that may vary from the existing use.

3. Amendment Request To An Approved Development Permit: A request to amend an approved development permit (e.g., site plan review, conditional use permit, variance, subdivision map) that is not in substantial conformance with the previously approved permit shall be made compatible with the airport land use compatibility plan in effect at the time the application for a development permit amendment is deemed complete.

4. Development Review Exemptions: The following shall be exempt from the requirements of this section:

(a) Development that is limited to interior modifications or repairs, or any exterior repairs or maintenance, that does not increase the density, floor area ratio or height of an existing structure;

(b) Special temporary uses approved in accordance with section 10-4-7 of this title. (Ord. 1655, 7-9-2013)

10-5-24: HO HOUSING OPPORTUNITY OVERLAY ZONE:

(A) Purpose: The housing opportunity overlay zone is intended to:

1. Provide an overlay zoning district to be applied to sites that may include, but are not limited to, the potential sites identified as inventoried in the housing element of the general plan as potential sites for housing, as a part of the implementation of the housing element goals, policies and programs, or where it can be reasonably demonstrated that the rezoning of the site is necessary to meet the goals of the regional housing need allocation (RHNA).

2. Provide for the continuation of the ability to develop land uses permitted by the existing base (underlying) zoning of a property unless the property is developed for residential uses in accordance with the HO overlay zone.

3. Provide a means of achieving the residential housing objectives of the housing element of the general plan, particularly by encouraging new multi-family residential development that includes affordable housing, housing for persons with disabilities, housing for persons with developmental disabilities, and housing that supports aging in place.

(B) Applicability: A parcel that has the HO overlay zone may be developed either in the manner provided under this section or the manner provided in the base (underlying) zone, but not both. Once the parcel has developed in the manner provided in the base zone, the property owner shall relinquish the right to redevelop the land using the HO overlay zone.

(C) Permitted Uses: The following uses and their accessory uses are permitted outright:

Home occupations.

Medium family daycare home.

Multi-family housing units.

Single-family dwellings, attached.

(D) General Regulations: The HO overlay zone allows for the following:

1. Density: The density for the development of affordable multi-family housing and various forms of affordable attached single-family residential housing shall be based on state housing law of twenty (20) dwelling units minimum per acre but will allow for a maximum of twenty four (24) dwelling units per acre. The minimum required density may be determined by allocating the density to the total acreage of the site (gross) or by aggregating the developable area of a site to remove areas considered to be environmentally sensitive, and all areas for driveways and roadways from the developable area, whichever is more suitable for the site (net). The minimum number of potential units will be determined by multiplying the developable acreage by twenty (20). Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number.

2. Minimum Parcel Area: Six thousand (6,000) square feet or minimum lot area shall be two thousand (2,000) square feet when proposed with various forms of attached single-family dwellings.

3. Minimum Parcel Area Per Dwelling Unit: Two thousand (2,000) square feet.

4. Maximum Parcel Coverage: No more than sixty percent (60%) of the total lot shall be devoted to main and accessory building area, parking area, driveway and covered patio area.

5. Minimum Parcel Width: Sixty feet (60') or twenty feet (20') when proposed with attached single-family dwellings.

6. Minimum Yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel or ten feet (10') whichever is less; rear, fifteen feet (15'); or zero feet (0') setback for all yards where common wall or party wall exist with attached single-family dwellings.

7. Maximum Building Height: Forty feet (40').

8. Minimum Room Area: Minimum room areas as defined in the California residential code.

9. Minimum Parcel Frontage: Sixty feet (60').

(E) Specific Regulations:

1. Environmental Review: The California environmental quality act (CEQA) environmental review will be completed for sites designed under the HO overlay zone at the time the sites are rezoned. All identified site specific development standards and CEQA mitigation measures during the rezone process shall be applicable to the development of residential housing for the site. Subsequent environmental review may be required if, and to the extent necessary, to comply with CEQA.

2. Affordability Provisions: A minimum of fifty percent (50%) of all housing must be affordable to very low and low income households, subject to the minimum mix of affordable dwelling units:

   (a) Very low income households: thirty percent (30%) of the total units in the development;

   (b) Low income households: twenty percent (20%) of the total units in the development.

   Housing development must include binding commitments to the city to ensure the continued availability of the affordable housing for a minimum period of thirty (30) years at the low and very low income household level.

3. Density Bonus: The HO overlay zone provisions under this section shall not apply if a housing development applicant requests a density bonus under the city's density bonus provisions set forth in sections 10-12-1 to 10-12-14 of this title.

4. Energy And Environmental Efficiency: Multi-family and attached single-family residential housing developed within the HO overlay zone is encouraged to utilize energy efficient design techniques and environmentally sensitive design and building materials.

5. Accessibility: Multi-family and attached single-family residential housing developed within the HO overlay zone is encouraged to include units accessible for persons with physical disabilities, persons with developmental disabilities, and that support aging in place.

6. Housing Opportunity Overlay Zone Development Incentives:

   (a) Incentives: Applications meeting the purpose and applicability (subsections (A) and (B) of this section) of the HO overlay zone will qualify for one of several incentive options for the creation of affordable housing. The following development incentives are available to qualifying residential developments:

(1) Deferment of city generated construction and impact fees until project completion or occupancy.

(2) Payment of construction and impact fee over a twelve (12) month or longer period after project completion.

(3) Reduction of city generated fees for specific facilities or services for which the applicant can show a connection between the lower fee and lower facility/service demand from project residents.

(F) By Right Development: When required by state law, housing development that is affordable to low income and very low income households for sites within an HO overlay zone shall be developed by right in that the use and density shall not require a use permit, planned unit development plan or other discretionary action for the use or density of that site. For these sites, the following standards and alternative process shall apply:

1. Developable Acreage: The developable acreage of the site and the required number of units will be determined as described in subsection (D)1 of this section.

2. Environmental Review: Environmental review, as required by the California environmental quality act, will be completed as part of the process for the rezoning of such sites into the HO overlay zone to address the uses and minimum densities allowed by the HO overlay zone. Subsequent environmental review may be required if, and to the extent, necessary to comply with CEQA.

3. Site Specific Development Standards: In addition to assigning density, the HO overlay zone shall outline site specific development standards and any CEQA mitigation measures adopted for each site at the time the site is rezoned. All identified site specific development standards and CEQA mitigation measures shall be included within all development of multi-family housing on an HO site shall be done in compliance with the rezone.

4. Zoning Compliance And Building Permit Issuance: All development proposals within the HO overlay zone, which meet the by right provision, are subject to zoning compliance and building permit issuance and the payment of all applicable building permit and mitigation fees, which are otherwise applicable to the development proposal.

5. Administrative Design Review Process: Development proposals shall be subject to an administrative design review process at the staff level. An application for design review shall be filed with the development services department on a form furnished by the department and a fee set by the city.

   The development services department shall use all established and adopted city guidelines, development and construction standards, general regulations including, but not limited to, grading, water quality, aesthetics, landscaping, lighting, and air quality when evaluating a development proposal under design review.

6. Utilities: Prior to building permit issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable public utility, water and sewer service provider demonstrating that adequate public utilities, water and sewage disposal is available to accommodate the use and minimum densities required for a site. If the property does not have direct access to adequate public utilities to serve the anticipated development of the site, it shall be the responsibility of the property owner or developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.

7. Fire Protection: Prior to building permit issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the fire protection district demonstrating that the site has adequate fire flow, emergency escape routes, fire equipment access, and is designed to meet all applicable requirements of the California fire code.

8. Ingress And Egress: If a property does not have direct access to a city maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the city minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the City maintained road system, if required by the Development Services Department. If roads are determined to be inadequate, in width, size, surfacing, capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Development Services Department prior to issuance of a certificate of final occupancy.

9. Subdivision: Development that includes approval of a tentative map is subject to the provisions of the Subdivision Map Act and the subdivision regulations under chapter 7 of this title. Where a tentative map is proposed, the public hearing may be expanded to address findings under the Subdivision Map Act. Wherever possible the environmental review performed at the time the site was designated under the HO Overlay Zone will be utilized in the processing of the subdivision. (Ord. 1680, 8-9-2016)

10-5-25: CBO CANNABIS BUSINESS OVERLAY ZONE:

(A) Purpose: The purpose of this section is to establish regulations to allow for the establishment of commercial cannabis businesses permitted and licensed in accordance with title 5, chapter 28 of this Code to limited areas that may include the cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product.

(B) Definitions: The definitions under section 5-28-5 of this Code shall apply in the interpretation of this chapter.

(C) Applicability: A parcel of land that has the Cannabis Business Overlay Zone may engage in a commercial cannabis business activity when permitted, licensed and in compliance with title 5, chapter 28 of this Code. Said CBO Zone shall only be applied to Commercial, Highway Commercial, Heavy Commercial, and Industrial Zone Districts.

(D) Permitted Uses: All of the uses permitted by-right or by conditional use permit shall be those listed in the underlying zone district and to include commercial cannabis business activities as authorized herein.

(E) Regulations: The regulations under title 5, chapter 28 of this Code shall supplement all development standards and general regulations in the underlying zone district.

(F) Review Process: Prior to engaging in a commercial cannabis business activity, a Certification from the Development Services Director must be obtained in accordance with section 5-28-23 of this

Code.

(G) Terms And Renewal: The terms and renewal process for commercial cannabis business permits shall be in accordance with section 5-28-13 of this Code.

(H) Inspection And Enforcement: Inspection and enforcement shall be in accordance with section 5-28-46 et seq., of this Code. (Ord. 1695, 1-22-2019)

Chapter 6
WATER EFFICIENT LANDSCAPE REGULATIONS

10-6-1: TITLE:

This chapter shall be known and may be cited as the *WATER EFFICIENT LANDSCAPE REGULATIONS.* (Ord. 1675, 11-24-2015)

10-6-2: PURPOSE:

It is the policy of the state of California to promote water conservation. It is the policy of the city of Placerville to protect water quality and promote and encourage the installation and maintenance of landscaping in private and public areas appropriate to street type, surrounding architecture and general character of local streets will further to upgrade the visual qualities and functional efficiency of Placerville's local streets. The standards detailed in this chapter are intended to promote the selection, planting and maintenance of landscaping that is water efficient and water conserving, while allowing flexibility in designing healthy, attractive and cost effective landscapes. (Ord. 1675, 11-24-2015)

10-6-3: APPLICABILITY:

(A) These regulations shall apply to all of the following projects:

1. New Development Projects: New development projects with an aggregate landscape area equal to or greater than five hundred (500) square feet requiring a building or landscape permit, plan check, site plan or other discretionary review;

2. Rehabilitated Landscape Projects: Rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, site plan or other discretionary review;

3. Existing Landscapes: Existing landscapes limited to subsection 10-6-15(A) of this chapter; and

4. Cemeteries: Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to subsections 10-6-5(E) and 10-6-9(B) of this chapter and section 10-6-10 of this chapter; and existing cemeteries are limited to section 10-6-15 of this chapter.

(B) Any project with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with the performance requirements of these regulations or conform to the prescriptive measures contained in section 10-6-18, appendix D of this chapter.

(C) For projects using treated or untreated gray water or rainwater captured on site, any lot or parcel within the project that has less than two thousand five hundred (2,500) square feet of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated gray water or through stored rainwater captured on site is subject only to section 10-6-18, appendix D of this chapter.

(D) These regulations do 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;
4. Existing plant collections, as part of botanical gardens and arboretums open to the public;
5. Residential landscaping that does not include an irrigation system (e.g., xeriscape landscaping). (Ord. 1675, 11-24-2015)

10-6-4: DEFINITIONS:

The terms used in these regulations have the meaning set forth below:

APPLIED WATER: The portion of water supplied by the irrigation system to the landscape.

AUTOMATIC IRRIGATION CONTROLLER: A timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather based) or soil moisture data.

BACKFLOW PREVENTION DEVICE: 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: The document required under section 10-6-8 of this chapter.

CERTIFIED IRRIGATION DESIGNER: 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: 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 ANTIDRAIN VALVE: 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.

CITY: City of Placerville.

COMMON INTEREST DEVELOPMENTS: Community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code section 1351.

COMPOST: The safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

CONVERSION FACTOR (0.62): The number that converts acre-inches per acre per year to gallons per square foot.

DISTRIBUTION UNIFORMITY: The measure of the uniformity of irrigation water over a defined area.

DRIP IRRIGATION: 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.

ET ADJUSTMENT FACTOR (ETAF): A factor of 0.55 for residential areas and 0.45 for nonresidential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (nonrehabilitated) special landscape area shall not exceed 1.0. The ETAF for existing nonrehabilitated landscapes is 0.8.

ECOLOGICAL RESTORATION PROJECT: A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

EFFECTIVE PRECIPITATION OR USABLE RAINFALL (EPPT): The portion of total precipitation which becomes available for plant growth.

EMITTER: A drip irrigation emission device that delivers water slowly from the system to the soil.

ESTABLISHED LANDSCAPE: 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 (2) years of growth.

ESTABLISHMENT PERIOD OF THE PLANTS: The first year after installing the plant in the landscape or the first two (2) years if irrigation will be terminated after establishment. Typically, most plants are established after one or two (2) years of growth. Native habitat mitigation areas and trees may need three (3) to five (5) years for establishment.

ESTIMATED TOTAL WATER USE (ETWU): The total water used for the landscape as described in subsection 10-6-5(E) of this chapter.

EVAPOTRANSPIRATION RATE: The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

FLOW RATE: 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.

FLOW SENSOR: An inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

FRIABLE: A soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

FUEL MODIFICATION PLAN GUIDELINE: Guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

GRAY WATER: Untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Gray water" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health And Safety Code section 17922.12.

HARDSCAPES: Any durable material (pervious and nonpervious).

HYDROZONE: A portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or nonirrigated.

INFILTRATION RATE: 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: 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. Lists of invasive plants are maintained at the California invasive plant inventory and USDA invasive and noxious weeds database.

IRRIGATION AUDIT: An in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's landscape irrigation auditor certification program or other U.S. environmental protection agency "WaterSense" labeled auditing program.

IRRIGATION EFFICIENCY (IE): The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of these regulations is 0.75 for overhead spray devices and 0.81 for drip systems.

IRRIGATION SURVEY: 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: An analysis of water use data based on meter readings and billing data.

LANDSCAPE ARCHITECT: A person who holds a license to practice landscape architecture in the state of California Business And Professions Code, section 5615.

LANDSCAPE AREA: 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: A person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

LANDSCAPE DOCUMENTATION PACKAGE: The documents required under subsection 10-6-5(D) of this chapter.

LANDSCAPE PROJECT: Total area of landscape in a project as defined in "landscape area" for the purposes of these regulations, meeting requirements under this section.

LANDSCAPE WATER METER: An inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

LATERAL LINE: The water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

LOCAL WATER PURVEYOR: The city, or in some areas of the city, the El Dorado irrigation district.

LOW VOLUME IRRIGATION: 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: The pressurized pipeline that delivers water from the water source to the valve or outlet.

MASTER SHUTOFF VALVE: An automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

MAXIMUM APPLIED WATER ALLOWANCE (MAWA): The upper limit of annual applied water for the established landscaped area as specified in subsection 10-6-5(E) of this chapter. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

MEDIAN: An area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

MICROCLIMATE: 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: Any surface mining operation with a reclamation plan approved in accordance with the surface mining and reclamation act of 1975.

MULCH: Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or 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: For the purposes of these regulations, a new building with a landscape or

other new landscape, such as a park, playground, or greenbelt without an associated building.

NONRESIDENTIAL LANDSCAPE: Landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

OPERATING PRESSURE: The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

OVERHEAD SPRINKLER IRRIGATION SYSTEMS: Systems that deliver water through the air (e.g., spray heads and rotors).

OVERSPRAY: Irrigation water which is delivered beyond the target area.

PERMIT: An authorizing document issued by the city for new construction or rehabilitated landscapes.

PERVIOUS: Any surface or material that allows the passage of water through the material and into the underlying soil.

PLANT FACTOR OR PLANT WATER USE FACTOR: A factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of these regulations, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for moderate water use plants is 0.1 to 0.3, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in these regulations are derived from the publication "Water Use Classification Of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California department of water resources (DWR).

PROJECT APPLICANT: The individual or entity submitting a landscape documentation package required under subsection 10-6-5(D) of this chapter, 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: A component which automatically suspends an irrigation event when it rains.

RECORD DRAWING OR AS BUILTS: 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: Areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

RECYCLED WATER, RECLAIMED WATER, OR TREATED SEWAGE EFFLUENT WATER: Treated or recycled wastewater 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: A standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in section 10-6-18, appendix A of this chapter, and is an estimate of the evapotranspiration of a large field of four (4) to seven inch (7") tall, cool season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

REHABILITATED LANDSCAPE: Any relandscaping project that requires a permit, plan check, or

design review, meets the requirements of section 10-6-3 of this chapter, and the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet.

RESIDENTIAL LANDSCAPE: Landscapes surrounding single- or multi-family homes.

RUNOFF: 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: A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

SOIL TEXTURE: The classification of soil based on its percentage of sand, silt, and clay.

SPECIAL LANDSCAPE AREA (SLA): An area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, or water features using recycled water.

SPRINKLER HEAD: A device which delivers water through a nozzle.

STATIC WATER PRESSURE: The pipeline or municipal water supply pressure when water is not flowing.

STATION: An area served by one valve or by a set of valves that operate simultaneously.

SUBMETER: A metering device to measure water applied to the landscape that is installed after the primary utility water meter.

SWING JOINT: 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: A ground cover 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: A device used to control the flow of water in the irrigation system.

WUCOLS: The water use classification of landscape species published by the University Of California cooperative extension and the department of water resources 2014.

WATER CONSERVING PLANT SPECIES: A plant species identified as having a very low or low plant factor.

WATER FEATURE: 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: The time of day irrigation is allowed. (Ord. 1675, 11-24-2015)

10-6-5: LANDSCAPE DESIGN PLAN:

(A) Consistency With Specific Plans, Other Design Guidelines And Design Criteria: Other regulations and design criteria affecting landscape design and maintenance practices are potentially applicable and should be consulted for additional requirements. These regulations include, but may not be limited to:

1. Zoning code, including projects subject to section 10-4-9 of this title;

2. The "City Of Placerville Development Guide";

3. The city's "Design And Construction Standards Manual";

4. El Dorado County fire protection district regulations for fire hazard reduction and fuel modification zones;

5. Any conditions of approval for a specific project;

6. California building code;

7. El Dorado irrigation district design and construction standards.

Where any inconsistencies arise between this chapter and other adopted policy documents, the more restrictive requirement shall govern.

(B) Designing And Planning Of Landscape: 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. Methods to achieve water efficiency shall include one or more of the following:

(1) Protection and preservation of native species and natural vegetation;

(2) Selection of water conserving plant, tree and turf species, especially local native plants;

(3) Selection of plants based on local climate suitability, disease and pest resistance;

(4) Selection of trees based on applicable local tree regulations or tree shading guidelines, and size at maturity as appropriate for the planting area;

(5) Selection of plants from city and local landscape program plant lists; and

(6) Selection of plants from local fuel modification plan guidelines.

(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 10-6-6(A) of this chapter.

(c) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

(1) 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;

(2) 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); allow for adequate soil volume for healthy root growth; and

(3) 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 percent (25%) where the toe of the slope is adjacent to an impermeable hardscape and where twenty five percent (25%) means one foot (1') of vertical elevation change for every four feet (4') of horizontal length (rise divided by run x 100 = slope percent).

(e) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

(f) 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 sections 4291(a) and (b). Avoid fire prone plant materials and highly flammable mulches.

(g) The use of invasive plant species, such as those listed by the California invasive plant council, is strongly discouraged.

(h) 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. Soil Preparation, Mulch And Amendments:

(a) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(b) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see subsection (F) of this section).

(c) For landscape installations, compost at a rate of a minimum of four (4) cubic yards per one thousand (1,000) square feet of permeable area shall be incorporated to a depth of six inches (6") into the soil. Soils with greater than six percent (6%) organic matter in the top six inches (6") of soil are exempt from adding compost and tilling.

(d) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers, or direct seeding

applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(e) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(f) The mulching portion of the seed/mulch slurry in hydroseeded applications shall meet the mulching requirement.

(g) Organic mulch materials made from recycled or postconsumer products shall take precedence over inorganic materials or virgin forest products unless the recycled postconsumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local regulations.

(C) Landscape Design Plan: 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;

3. Identify recreational areas;

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, and twenty four (24) hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on site retention and infiltration of stormwater. Project applicants shall refer to the city or regional water quality control board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in section 10-6-14 of this chapter;

11. Identify any applicable rain harvesting or catchment technologies as discussed in this chapter and their twenty four (24) hour retention or infiltration capacity;

12. Identify any applicable gray water discharge piping, system components and area(s) of distribution;

13. Contain the following statement: "I have complied with the criteria of the regulations and applied them for the efficient use of water in the landscape design plan"; and

14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape (see sections 5500.1, 5615, 5641, 5641.1, 5641.2,

5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business And Professions Code, section 832.27 of title 16 of the California code of regulations, and section 6721 of the Food And Agricultural Code).

(D) Elements Of The Landscape Documentation Package:

1. The landscape documentation package shall include the following six (6) elements:

(a) Project information:

(1) Date.

(2) Project applicant.

(3) Project address (if available, parcel and/or lot number(s)).

(4) Total landscape area (square feet).

(5) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner installed).

(6) 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.

(7) Checklist of all documents in landscape documentation package.

(8) Project contacts to include contact information for the project applicant and property owner.

(9) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape regulations and submit a complete Landscape Documentation Package".

(b) Water efficient landscape worksheet:

(1) Hydrozone information table.

(2) Water budget calculations:

A. Maximum applied water allowance (MAWA).

B. Estimated total water use (ETWU).

(c) Soil management report;

(d) Landscape design plan;

(e) Irrigation design plan; and

(f) Grading design plan.

(E) Water Efficient Landscape Worksheet:

1. A project applicant shall complete the water efficient landscape worksheet which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and

0.45 for nonresidential areas, exclusive of special landscape areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The maximum applied water allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for nonresidential areas) and expressed as annual gallons required. The estimated total water use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

(a) In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the ETo values from the reference evapotranspiration table in section 10-6-18, appendix A of this chapter.

2. Water budget calculations shall adhere to the following requirements:

(a) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California department of water resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 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.

(b) 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.

(c) All special landscape areas shall be identified and their water use calculated as shown in section 10-6-18, appendix B of this chapter.

(d) ETAF for new and existing (nonrehabilitated) special landscape areas shall not exceed 1.0.

(F) Soil Management Report:

1. 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:

(a) Submit soil samples to a laboratory for analysis and recommendations.

(1) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(2) The soil analysis shall include:

A. Soil texture;

B. Infiltration rate determined by laboratory test or soil texture infiltration rate table;

C. pH;

D. Total soluble salts;

E. Sodium;

F. Percent organic matter; and

G. Recommendations.

(3) In projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of one in seven (7) lots or approximately fifteen percent (15%) will satisfy this

requirement. Large landscape projects shall sample at a rate equivalent to one in seven (7) lots.

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. 1675, 11-24-2015)

10-6-6: IRRIGATION DESIGN PLAN:

(A) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. 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) Landscape water meters, defined as either a dedicated water service meter or private submeter shall be installed for all nonresidential irrigated landscapes of one thousand (1,000) square feet but not more than five thousand (5,000) square feet (the level at which Water Code 535 applies) and residential irrigated landscapes of five thousand (5,000) square feet or greater. A landscape water meter may be either:

(1) A customer service meter dedicated to landscape use provided by the local water purveyor; or

(2) A privately owned meter or submeter.

(b) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing nonvolatile memory shall be required for irrigation scheduling in all irrigation systems.

(c) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(1) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(2) 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 shutoff 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) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all nonresidential landscapes and residential landscapes of five thousand (5,000) square feet or larger.

(h) Master shutoff valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(i) 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.

(j) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(k) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(l) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in section 492.4 regarding the maximum applied water allowance.

(m) It is highly recommended that the project applicant or city inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(n) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society Of Agricultural And Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 landscape irrigation sprinkler and emitter standard. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(o) It is highly recommended that the project applicant or city inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(p) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(q) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(r) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(s) Swing joints or other riser protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

(t) Check valves or antidrain valves are required on all sprinkler heads where low point discharge could occur.

(u) Areas less than ten feet (10') in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(v) Overhead irrigation shall not be permitted within twenty four inches (24") 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:

(1) The landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) The adjacent nonpermeable surfaces are designed and constructed to drain entirely to landscaping; or

(3) 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 section 10-6-5 of this chapter. Prevention of overspray and runoff must be confirmed during the irrigation audit.

(w) Slopes greater than twenty five percent (25%) shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inch 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, ground covers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(d) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

(1) The plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

(2) 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 section 10-6-18, appendix B of this chapter). This table can also assist with the irrigation audit and programming the controller.

3. Irrigation Design Plan: The irrigation design plan, at a minimum, shall contain:

(a) Location and size of separate water meters for landscape;

(b) 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;

(c) Static water pressure at the point of connection to the public water supply;

(d) Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

(e) Recycled water irrigation systems as specified in section 10-6-12 of this chapter;

(f) The following statement: "I have complied with the criteria of the regulations and applied them accordingly for the efficient use of water in the irrigation design plan"; and

(g) The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business And Professions Code, section 832.27 of title 16 of the California code of regulations, and section 6721 of the Food And Agricultural Code.) (Ord. 1675, 11-24-2015)

10-6-7: 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 part of the landscape documentation package. A comprehensive grading plan prepared by a 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 regulations 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. 1675, 11-24-2015)

10-6-8: CERTIFICATE OF COMPLETION:

(A) Prior to issuance of a certificate of occupancy, a signed landscape certificate of completion shall be submitted to the development services department on a form prescribed by the department that shall include the following information and documentation:

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;

(b) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

3. Irrigation scheduling parameters used to set the controller (see section 10-6-9 of this chapter);

4. Landscape and irrigation maintenance schedule (see section 10-6-9 of this chapter);

5. Irrigation audit report (see section 10-6-10 of this chapter); and

6. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see section 10-6-5 of this chapter).

(B) The project applicant shall:

1. Submit the signed certificate of completion to the city (development services department) for review;

2. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor 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. 1675, 11-24-2015)

10-6-9: IRRIGATION SCHEDULING AND MAINTENANCE:

(A) Irrigation Scheduling: 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 o'clock (8:00) P.M. and ten o'clock (10:00) A.M. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, 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.

(B) Landscape And Irrigation Maintenance:

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

2. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, 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 obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

4. A project applicant is encouraged to implement established landscape industry sustainable best practices for all landscape maintenance activities. (Ord. 1675, 11-24-2015)

10-6-10: IRRIGATION WATER USE ANALYSIS AND MONITORING:

(A) All landscape irrigation audits shall be conducted by a city landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

(B) In large projects or projects with multiple landscape installations (i.e., production home developments) an auditing rate of one in seven (7) lots or approximately fifteen percent (15%) will satisfy this requirement.

(C) For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in section 10-6-3 of this chapter:

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, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

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. 1675, 11-24-2015)

10-6-11: IRRIGATION EFFICIENCY:

(A) For the purpose of determining estimate total water use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices. (Ord. 1675, 11-24-2015)

10-6-12: RECYCLED WATER:

(A) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

(B) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

(C) Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for new and existing (nonrehabilitated) special landscape areas shall not exceed 1.0. (Ord. 1675, 11-24-2015)

10-6-13: GRAY WATER SYSTEMS:

(A) Gray water systems promote the efficient use of water and are encouraged to assist in on site landscape irrigation. All gray water systems shall conform to the California plumbing code (title 24, part 5, chapter 16) and any applicable local regulations standards. Refer to section 490.1(d) for the applicability of these regulations to landscape areas less than two thousand five hundred (2,500) square feet with the estimated total water use met entirely by gray water. (Ord. 1675, 11-24-2015)

10-6-14: STORMWATER MANAGEMENT AND RAINWATER RETENTION:

(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 rainwater retention and infiltration are encouraged.

(B) Project applicants shall refer to the city of Placerville "Design And Construction Standards Manual".

(C) All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to section 10-6-5 of this chapter.

(D) It is strongly recommended that all landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e., roof and paved areas) from either: 1) the 1-inch, 24-hour rain event or 2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation. See the city of Placerville design and construction standards for the required hydraulic sizing criteria that apply to projects that create or replace more than five thousand (5,000) square feet of impervious surfaces.

(E) It is recommended that stormwater projects incorporate any of the following elements to improve on site stormwater and dry weather runoff capture and use:

1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

2. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.

3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.

5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.

6. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.

7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants. (Ord. 1675, 11-24-2015)

10-6-15: PROVISIONS FOR EXISTING LANDSCAPES INSTALLED PRIOR TO DECEMBER 1, 2015:

(A) This section shall apply to all existing landscapes that were installed before December 1, 2015, and are over one acre in size.

1. For all landscapes in this subsection (A) that have a water meter, the city 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 this subsection (A), 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. 1675, 11-24-2015)

10-6-16: VIOLATION; PENALTY:

Violations of this chapter, unless otherwise excepted, are considered administrative violations of city code, subject to enforcement procedures under section 1-4A-1 et seq., of this code. (Ord. 1675, 11-24-2015)

10-6-17: SEVERABILITY:

(A) If any section, subsection, phrase, or clause of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

(B) The city council hereby declares that it would be passed this chapter and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional. (Ord. 1675, 11-24-2015)

10-6-18: APPENDICES:

(A) Appendix A:

Reference Evapotranspiration (ETo) Table*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
Placerville	1.41	1.88	2.99	4.47	5.91	7.46	9.00	8.21	6.23	4.19	1.84	1.37	56.96

* The values in this table were derived from Table 2-1, (DWR Table 3) Climate Characteristics of the 2005 Urban Water Management Plan for the City of Placerville.

(B) Appendix B:

Sample Water Efficient Landscape Worksheet.

Reference Evapotranspiration (ETo)

Hydrozone #/Planting Description[a]	Plant Factor (PF)	Irrigation Method[b]	Irrigation Efficiency (IE)[c]	ETAF (PF/IE)	Landscape Area (sq. ft.)	ETAF x Area	Estimated Total Water Use (ETWU)[d]
Regular Landscape Areas							
				Totals	(A)	(B)	

Special Landscape Areas							
				1			
				1			
				1			
				Totals	(C)	(D)	
						ETWU Total	
						Maximum Allowed Water Allowance (MAWA)[e]	

[a]Hydrozone #/Planting Description
E.g
1.) front lawn
2.) low water use plantings
3.) medium water use planting

[b]Irrigation Method
overhead spray or drip

[c]Irrigation Efficiency
0.75 for spray head,
0.81 for drip

[d]ETWU (Annual Gallons Required) = ETo x 0.62 x ETAF x Area
where 0.62 is a conversion factor that acre-inches per acre per year to gallons per square foot per year.

[e]MAWA (Annual Gallons Allowed) = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)]
where 0.62 is a conversion factor that acre-inches per acre per year to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for nonresidential areas.

ETAF Calculations

Regular Landscape Areas			All Landscape Areas	
Total ETAF x Area	(B)		Total ETAF x Area	(B+D)
Total Area	(A)		Total Area	(A+C)
Average ETAF	B . A		Average ETAF	(B+D) . (A+C)

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for nonresidential areas.

(C) Appendix C:

Sample Certificate of Completion.

CERTIFICATE OF COMPLETION
This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

<table>
<tr><td colspan="2">Date</td><td colspan="2"></td></tr>
<tr><td colspan="2">Project Name</td><td colspan="2"></td></tr>
<tr><td colspan="2" rowspan="2">Name of Project Applicant</td><td colspan="2">Telephone No.</td></tr>
<tr><td colspan="2">Fax No.</td></tr>
<tr><td colspan="2">Title</td><td colspan="2">Email Address</td></tr>
<tr><td colspan="2">Company</td><td colspan="2">Street Address</td></tr>
<tr><td colspan="2">City</td><td>State</td><td>Zip Code</td></tr>
<tr><td colspan="4">Project Address and Location:</td></tr>
<tr><td colspan="2">Street Address</td><td colspan="2">Parcel, tract or lot number, if available.</td></tr>
<tr><td colspan="2">City</td><td colspan="2" rowspan="2">Latitude/Longitude (optional)</td></tr>
<tr><td>State</td><td>Zip Code</td></tr>
<tr><td colspan="4">Property Owner or his/her designee:</td></tr>
<tr><td colspan="2" rowspan="2">Name</td><td colspan="2">Telephone No.</td></tr>
<tr><td colspan="2">Fax No.</td></tr>
<tr><td colspan="2">Title</td><td colspan="2">Email Address</td></tr>
<tr><td colspan="2">Company</td><td colspan="2">Street Address</td></tr>
<tr><td colspan="2">City</td><td>State</td><td>Zip Code</td></tr>
</table>

Property Owner
"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Property Owner SignatureDate

Please answer the questions below:

1.Date the Landscape Documentation Package was submitted to the City_

2.Date the Landscape Documentation Package was approved by the City_

3.Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor_

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the regulations and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per regulations Section 10-6-8.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per regulations Section 10-6-8.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per regulations Section 10-6-9.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per regulations Section 10-6-5.

Attach documentation verifying implementation of recommendations from soil analysis report per regulations Section 10-6-5.

(D) Appendix D:

Water Efficient Landscape Worksheet

Prescriptive Compliance Option

(a) This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Regulations.

(b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

(1) Submit a Landscape Documentation Package which includes the following elements:

(A) date

(B) project applicant

(C) project address (if available, parcel and/or lot number(s))

(D) total landscape area (square feet), including a breakdown of turf and plant material

(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) contact information for the project applicant and property owner

(H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELO".

(2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

(3) Plant material shall comply with all of the following:

(A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

(B) A minimum three inch (3") 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.

(4) Turf shall comply with all of the following:

(A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;

(B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;

(C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(5) Irrigation systems shall comply with the following:

(A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.

(B) Irrigation controllers shall be of a type which does not lose programming date in the event the primary power source is interrupted.

(C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.

(D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard", All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.
(Ord. 1675, 11-24-2015)

Chapter 7
SUBDIVISION REGULATIONS

10-7-1: PURPOSE:

The purpose of this chapter is to set forth rules and regulations for the subdivision of real property, all in conformance with the provisions of the subdivision map act, chapter 2, part 2 of division 4 of the Business and Professions Code of the state, and amendments thereto. (Ord. 760, 5-17-1954)

10-7-2: TENTATIVE MAP; PREPARATION:

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer or licensed land surveyor. (Ord. 760, 5-17-1954)

10-7-3: SUBMISSION OF MAP TO ENGINEER:

All maps of subdivisions offered to the council for approval shall first be submitted to the engineer or to such engineer or surveyor as the council may direct. (Ord. 760, 5-17-1954)

10-7-4: PROOF OF CLEAR TITLE; CERTIFICATE:

Proof shall be furnished to the council that the parties concerned and requesting the filing of the map and making dedications to public use are all the parties necessary to give a clear title and the council may in its discretion require a certificate of title by a competent title company or such other proof as the council may in its discretion deem necessary. (Ord. 760, 5-17-1954)

10-7-5: SUBDIVISION STANDARDS:

Each subdivision shall be in conformity to the following standards:

(A) General:

1. No subdivision will be approved for recordation by the council in which the streets are not offered for dedication and which the city has not accepted. (Ord. 760, 5-17-1954)

2. Nothing in this chapter shall prohibit the acceptance of any subdivision map and the recordation thereof prior to the construction of any streets, roads, avenues, ways, lanes and sewers, water mains and other required public improvements; providing, the subdivider shall post good and acceptable security which security shall be one of the following, subject to the approval of the city council:

   (a) Bond or bonds by one or more duly authorized corporate surety.

   (b) A deposit, either with the city or a reasonable escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for securing deposits of public monies.

   (c) An instrument of credit from one or more financial institution subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such financial institution. The amount of said security shall be as provided for in Government Code section 66499.3. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material bonds required by the special assessment act being used, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of such bonds so furnished by the contractor. (Ord. 1494, 7-28-1992)

3. The width of all rights of way for streets shall be as follows:

   (a) Primary access streets through subdivision: Fifty six feet (56').

   (b) Secondary streets: Fifty feet (50').

   (c) Dead end streets less than five hundred feet (500') in length: Forty four feet (44').

Not less than the following shall be allowed for pavement:

(d) Primary access streets through subdivision: Thirty two feet (32').

(e) Secondary streets: Twenty eight feet (28'). (Ord. 1179, 12-12-1978)

(f) Dead end streets less than five hundred feet (500') in length: Twenty four feet (24').

Every dead end street or road offered for dedication to the city upon the final map of a subdivision, or otherwise, must be provided with a turnaround area at the end of the dead end street or road. All such turnaround areas shall have a radius of at least forty feet (40').

Not less than four feet (4') shall be allowed on either side of the street for sidewalks. (Ord. 873, 12-21-1961)

4. Horizontal and vertical alignment of all streets shall be such as to meet the approval of the city, and terminal points of all streets within or at the boundaries of a subdivision shall be such as to meet the approval of the city.

5. All streets shall be pitched and crowned to drain.

6. Culverts and/or storm drains together with approved inlet and outlet structures and a means of cleaning the system shall be provided when required by the city.

7. All streets and roads shall be provided with curbs and gutters in conformance with city standards.

8. All streets and roads shall be paved in accordance with city standards and all streets shall be paved from gutter to gutter.

9. All streets and roads shall be accurately monumented at the centerline intersections in conformance with city standards.

10. All streets and roads shall be provided with water mains of such size and such locations as directed by the city.

11. All streets and roads shall be provided with sewers of such sizes and such locations as directed by the city.

12. Should the city require sidewalks in certain areas or the subdivider or owner elect to construct the same, the sidewalks shall be in conformance with city standards.

13. Plans and profiles of proposed streets and roads showing pavement type and sections, curb and gutter sections and locations, storm drainage sections and locations, sewer and water pipe sizes and locations, shall be presented to the city for approval, and any work performed or materials used without prior approval of the city is so performed and are so used at the peril of the parties to the act, and the city shall have the right to cause the removal of such materials, structures, pavement, pipe, curb, monuments or other items which have not been approved and the replacement of such disapproved materials, structures, pavement, pipe, curb, monuments or other items, with approved types, quantities and qualities as the city deems proper. (Ord. 760, 5-17-1954)

14. Each subdivider of real property in the city shall notify the superintendent of public works as to the time and place that any street is to be constructed by the subdivider in any subdivision or proposed subdivision in the city at least twenty four (24) hours before the construction is to commence so that the superintendent of public works or his agent may be present for the

purpose of determining if the street is being properly constructed pursuant to the provisions of this chapter.

15. The council shall not make any final acceptance of any street in any subdivision in the city until at least ninety (90) days have elapsed after the completion of the construction, if the street has been constructed in accordance with the provisions of this chapter, and not until the street has been used by the general public for a period of at least ninety (90) days. (Ord. 808, 6-19-1958)

16. When the centerline grade of a street exceeds ten percent (10%) and/or the natural slope of the area exceeds fifteen percent (15%), the city may allow a modification in the street standards specified in this section. The planning commission shall review any proposed modifications to the adopted street standards and shall base their decision on the hillside street standards adopted by resolution of the city council. (Ord. 1292, 1-12-1982)

(B) Standard Monumentation:

1. Monuments shall be pipes with galvanized iron caps. The caps shall be securely screwed or pinned to the pipe.

2. Street centerline intersection monuments shall be two inch (2") pipe, thirty inches (30") long. The caps shall be center punched and the registration number of the registered engineer or licensed surveyor who sets the monument or under whose direction the monuments are set shall be stamped thereon together with the year in which the monument was set.

3. The top of street centerline monuments shall be set at least one foot (1') below the finished grade of the street but not more than one and one-half feet ($1\frac{1}{2}$') below the finished grade unless otherwise authorized by the city.

4. The street centerline monuments shall be referred to as approved crosses cut or cast in the top of the curb.

5. The references shall be so situated as to provide the greatest included angle between the reference lines.

6. There shall be not less than three (3) references for each street centerline monument and where practical there shall be references.

7. References shall be accurate to the nearest one-hundredth foot (0.01') measured level.

8. References shall be recorded in the office of the clerk.

9. All lot corners of subdivisions shall be monumented with three-fourths inch ($\frac{3}{4}$") pipes not less than twenty four inches (24") long. The caps shall be center punched and the registration number of the registered engineer or licensed surveyor who set the monuments or under whose direction monuments are set shall be stamped thereon.

(C) Lot Sizes And Setback Standards:

1. All lots in subdivisions shall be located with at least one boundary contiguous to a dedicated street for a distance of not less than fifty two feet (52'); provided, however, this provision may be waived by the council for specific cases of hardship.

2. Lot side lines shall be as nearly at right angles to the front street line as is practicable.

3. The minimum setback from the front lot line for any building shall be fifteen feet (15') and ten feet (10') for any side or rear line abutting upon a street.

(D) Curb And Gutter Standards:

1. All curbs and gutters shall be monolithic concrete having not less than a two thousand five hundred (2,500) pound standard twenty eight (28) day compressive strength.

2. The curb and gutters shall conform to one of the cross sections as shown and delineated in sheets entitled "Standard Curbs And Gutters, City Of Placerville", and shall be of the specific standard cross section for each of the several locations as designated by the city as applicable to the specific location.

(E) Sidewalk Standards:

1. Sidewalk pavement shall not be less than three feet (3') in width not less than four inches (4") in thickness, except through driveway sections where the minimum thickness shall be not less than six inches (6").

2. All sidewalk pavement shall be standard Portland cement concrete having not less than two thousand five hundred (2,500) pound standard twenty eight (28) day compressive strength.

3. Sidewalk pavement shall scope towards the gutter at a rate of not less than three-eighths inch ($^3/_8$") nor more than one-half inch ($^1/_2$") per foot of width.

4. Sidewalk pavement shall be true to grade and shall contain no ridges, valleys or bumps in excess on one-fourth inch ($^1/_4$") in ten feet (10').

5. Sidewalk pavement finish shall be wood float finished. (Ord. 760, 5-17-1954)

(F) Pavement, Base And Subgrade Standards:

1. General:

   (a) A graded and compacted natural subgrade.

   (b) An imported rock of gravel interlocked, bonded and compacted base.

   (c) A liquid asphalt prime coat.

   (d) A plant mix.

   (e) A liquid asphalt seal coat, covered with rock chips.

2. Subgrade:

   (a) The subgrade will be considered as that portion of the roadbed surfaced upon which a layer of base material is to be placed. In all cases the details of the operations of preparing subgrade shall be under the direction of the city, and the city shall have authority at all times to stop the operations, if in its opinion these specifications are not being complied with in a manner which will result to the type of subgrade specified.

   (b) The finished subgrade shall be true to grade and cross section, hard, uniform and smooth.

(c) Continued use of prepared subgrade for hauling, which will cut or deform it from the true cross section, will not be permitted, The contractor shall at his own expense, repair any damage to subgrade caused by his operation or use by public traffic. No material shall be placed until the subgrade is in a condition satisfactory to the city.

(d) After the existing roadbed has been scarified and graded to the required elevation for subgrade preparation and unless properly prepared in the judgment of the city, during a preceding operation, all portions of the roadbed upon which the subgrade is to be prepared shall be loosened, by plowing and scarifying or other means, to a depth of at least six inches (6") below the final subgrade elevation, and all boulders, large lumps of earth, hard ribs or solid rock removed and disposed of, as directed by the city, in such a manner as not to present an unsightly appearance The loosened subgrade material shall be brought to as finely divided condition as the material will permit.

(e) By means of proper equipment, properly handled, excess broken up subgrade material shall be removed to that elevation above the finished subgrade cross section, so that the remaining subgrade material will, after watering and rolling, compact to the required grade and cross section.

(f) The broken up subgrade material shall then be watered in a uniform manner, the amount of water used being such as to obtain, in the judgment of the city, the optimum moisture content for compaction.

(g) It shall then be harrowed to mix the wet material with the dry underneath, until the whole mass of loose material is at the proper state of moisture for maximum compaction. The subgrade material shall then be rolled, with a power roller of approved type weighing not less than ten (10) tons and with a compression on the rear wheels of not less than three hundred twenty five (325) pounds per linear inch of tire widths until further compaction is not necessary in the opinion of the city.

(h) After the subgrade has been prepared, the subgrade shall be watered in a sufficient amount, in the judgment of the superintendent of public works, for proper working, and then cut, by approved equipment, to the required grade and cross section, after which the subgrade shall be again watered, rolled and compacted to grade and cross section.

(i) Where not controlled by adjacent structures or features, the finished subgrade may vary, but not to exceed one-tenth (0.1) of a foot above or below the staked grade; providing, it is uniform and free from sharp breaks. The cross section shall be free from ridges or valleys and shall be within five-hundredths foot (0.05') above or below the theoretical section at any point on the cross section. Subgrade that does not conform shall be watered, recut and thoroughly rolled.

3. Crusher Run Base: The mineral aggregate for crusher run base shall consist of quarry waste, broken stone, crushed gravel, or a combination thereof. The aggregate shall be free from adobe, vegetable matter, loam and other deleterious substances, and shall be of such a quality that it will compact thoroughly when watered and rolled, to form a firm, well bonded base. Unless otherwise specifically specified or approved by the city, the mineral aggregate shall conform to the grading specified for two inch (2") maximum aggregate.

When the mineral aggregate does not contain sufficient binder material to bond properly under the action of watering and rolling, there shall be added to and incorporated in it, a binder material consisting of rock dust, disintegrated granite or other cementaceous material.

Crusher base shall be uniformly placed and spread to a proper crown and grade over the area to a minimum depth of four inches (4") watered, rolled, puddled and worked as a graded water bound macadam pavement. Should porous spots develop, fines shall be added to such places

and the rolling and puddling continued until the water will go ahead of the roller in a wave, rather than penetrate the surface, and until the surface becomes hard and firm. The roller used for compaction shall conform to the equipment specified under subsection (F)2 of this section.

The base shall then be allowed to dry and cure. Then plant mix or blacktop shall be applied to a two inch (2") thickness, rolled to a uniform thickness to a smooth, firm, hard, well graded and shaped base.

4. Prime And Seal Coat: The prime coat, and class D seal coat shall conform to sections 21, 23, 26, 65, 66 and 67 of the "Standard Specifications Of The State Of California Department Of Public Works", dated April 1945. (Ord. 824, 5-21-1959)

5. Alternate Standards: The following standards may be substituted for a road base in a subdivision:

Lime treated base may be substituted for URB subject to tests performed to determine the suitability of the material. The cost of testing shall be borne by the party requesting the substitution of lime treated base, and all samples taken and tests made shall be as directed by the road department and subject to acceptance by the road department. Tests shall be performed by an accredited and certified laboratory, and all samples shall be taken by qualified personnel. Thickness of lime treated base shall be as indicated to be necessary by the tests, but in no case less than six inches (6") thick. The road department shall determine the acceptability of all samples, test results, road design and construction procedures for lime treated base. (Ord. 842, 8-1-1960)

10-7-6: FEES:

Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of the tentative and final maps. (Ord. 1263, 5-26-1981)

10-7-7: NONCONFORMANCE; WHEN PERMITTED:

Whenever in the opinion of the council the land involved in any subdivision is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions or is to be devoted to such use that it is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this chapter, the council may make such modification thereof as in its opinion is reasonably necessary or expedient and in conformity with the spirit and purpose of the map act and of this chapter. (Ord. 760, 5-17-1954)

Chapter 8
PARCEL MAPS

10-8-1: GENERAL PROVISIONS:

This chapter shall be known and cited as the *CITY OF PLACERVILLE'S PARCEL MAP ORDINANCE*. (Ord. 1152, 4-25-1978)

10-8-2: AUTHORITY AND PURPOSE:

This chapter is enacted for the purpose of implementing the subdivision map act. The Placerville city council as the adoptive agency and authority, hereby assigns the duties outlined within this chapter to the planning commission and the development services director. Further, the city council shall hereinafter be called the final appeals board. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-3: SCOPE OF CHAPTER:

(A) This chapter shall govern the division of any and all land within the incorporated limits of the city of Placerville where four (4) or fewer parcels, condominium units or community project apartments are created except where each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.

(B) This chapter shall also govern the division of such land where five (5) or more parcels, condominium units or community project apartments are created but only where:

1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the governing body as to street alignments and widths; or

4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.

(C) This chapter shall be applicable to:

1. Tentative and final maps required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in section 783 of the Civil Code, or a community apartment project containing five (5) or more parcels;

2. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;

3. Mineral, oil or gas leases;

4. Land dedicated for cemetery purposes under the Health and Safety Code of the state of California;

5. A lot line adjustment between two (2) or more adjacent parcels where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided the lot adjustment is approved by resolution of the local agency;

6. The sale, lease, or financing of property if the property has been assigned a separate parcel number on the county assessment roll as of March 4, 1972;

7. The conveyance of land to a governmental agency, public entity or public utility;

8. Agricultural leases as defined in section 66424 of the subdivision map act.

(D) It is further the purpose of the city council of the city of Placerville and of these regulations to require the subdivider to dedicate rights of way, easements, and the construction of reasonable off site and on site improvements for the parcels being created and to require the establishment of open spaces and/or the development of recreational purposes within the city of Placerville prior to the recordation of all parcel maps. The city council of the city of Placerville hereby finds that the fulfillment of the construction requirements is a necessary prerequisite to the orderly development of the city of Placerville and that said construction requirements are necessary in order to provide for public health and safety for the residents of the city of Placerville. (Ord. 1152, 4-25-1978)

10-8-4: DEFINITIONS:

APPEALS BOARD: (A) The first appeals board means the planning commission of the city of Placerville.

(B) The final appeals board means the city council of the city of Placerville.

APPROVED ACCESS: Approved access means that all lots shall have frontage to an improved street meeting city standards. The improved street shall be the area contiguous to the lots.

BUILDING SITE: A parcel or lot of land containing not less than the prescribed minimum area required by the Placerville zoning ordinance or other applicable local ordinance existing at the time of the creation of the lot or parcel and occupied or intended to be occupied by buildings or structures.

CUL-DE-SAC: A street open at one end only, and providing at the other end special facilities for the turning around of vehicular traffic.

IMPROVEMENT: Refers to such street work and utilities to be installed or agreed to be installed by the divider to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the parcel map thereof. Improvement also refers to such other specific improvements or types of improvements, the installation of which, either by the divider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the general plan required by article 5 (commencing with section 65300) and article 8 (commencing with section 65450) of chapter 3 of division 1 of the Government Code.

IMPROVEMENT STANDARDS: The standards adopted by the city of Placerville regulating the development of land as a division.

LOT LINE ADJUSTMENT: The relocation of the boundary or boundaries between two (2) or more adjoining parcels of land and which does not create any additional parcels of land.

PARCEL MAP: Refers to a map prepared in accordance with the subdivision map act and this chapter which map is designed to be filed in the office of the county recorder.

PARCEL SPLIT: The division of any real property improved or unimproved, or portion thereof, shown on the latest equalized county assessment roll as a unit or contiguous units which are divided for the purpose of sale, lease or financing, whether immediate or future, with the exception of those land divisions defined in subsection 10-8-3(C) of this chapter. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights of way.

PUBLIC STREET: The full width of the right of way of any road, street, lane, alley or pedestrian walkway used by or for the general public, whether or not those roads, streets, lanes, alleys, and pedestrian walkways have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system.

REMAINDER: Shall be considered as areas fifty percent (50%) in excess of the smallest parcel shown on the parcel map, but not less than five (5) acres and/or areas of contiguous ownership in an adjoining section.

STREETS: Includes highways and refers to land primarily devoted to vehicular traffic use and extending to the boundaries of the right of way of the adjoining owner whether designated as a highway, freeway, throughway, thoroughfare, avenue, boulevard, road, parkway, lane, alley, place, court, circle, driveway, or other similar term.

SUBDIVIDER: A person, firm, corporation, partnership or association, who proposes to divide, divides, or causes to be divided, real property into a division for himself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not subdividers.

TENTATIVE PARCEL MAP: Refers to a map made for the purpose of showing the design of a proposed division or reversion to acreage and the existing conditions in and around it. Such map need not be based upon an accurate or detailed field survey of the property. (Ord. 1152, 4-25-1978)

10-8-5: SUSPENSION OF REQUIREMENT; VARIANCE OF ADJUSTMENT:

In approving a tentative map, the commission or council may grant a suspension of any of the subdivision requirements set forth or referred to in this chapter, except underground facilities which may be waived only by the council; provided such suspensions are not inconsistent with state law. A variance from the lot area, frontage, width, depth and front yard or setback requirements of the various zones set forth in this code, may also be granted by the commission or the council. If such suspension or variance is requested, a public hearing shall be conducted as provided in section 10-3-6 of this title. The time limits established in section 10-8-9 of this chapter may be extended by mutual consent of the subdivider and the commission or council as appropriate. (Ord. 1152, 4-25-1978)

10-8-6: TENTATIVE MAPS:

Prior to any division of lands as defined in section 10-8-3 of this chapter, the landowner or his agent shall file for approval with the development services department an application on a form provided by the department accompanied by a fee established by section 10-8-13 of this chapter. Eight (8) copies of the tentative map depicting the following information shall be submitted: (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

(A) The tentative map shall be submitted on durable paper sheets eighteen inches by twenty six inches (18" x 26") or larger, suggested size, and drawn to a scale of one inch equals twenty feet (1" = 20'),

one inch equals fifty feet (1" = 50'), one inch equals one hundred feet (1" = 100'), one inch equals two hundred feet (1" = 200'), or one inch equals four hundred feet (1" = 400'), and which is sufficient in size to allow all the details and required data to show clearly. Any number of sheets may be used, providing each sheet specifies the total number of sheets and its relation to each adjoining sheet.

(B) The tentative map, attached sheets or accompanying reports, shall show clearly the following data and information:

1. North point and scale;

2. The location, names and right of way width of adjacent streets, highways and alleys. Further, show access easements to a connection with a public road, together with their deed or map reference;

3. Contours at five foot (5') intervals;

4. Show the boundaries of the parcel;

5. Width and approximate location of all existing and proposed road easements for rights of way and approximate grades, drainage, sewage and public utilities, both underground and overhead;

6. The approximate dimensions and area of proposed parcels;

7. All the names of adjacent subdivisions and adjacent parcel map references. All the names and deed recording numbers of the adjacent landowners;

8. Current El Dorado County assessor's plot map and, if one exists, a copy of the preceding parcel map showing the property to be divided;

9. The location of all existing structures of residential, commercial, industrial or recreational uses or for which permits have been applied for and granted, but not yet constructed, within any existing or proposed boundary;

10. Indicate the proposed source of potable water and the proposed method of sewage disposal;

11. A letter bearing the authorized agent or owner's signature certifying the engineer or surveyors preparation of a parcel map and division of the property, when property owner is not preparing tentative parcel map;

12. Building setback lines as required by the present land use zone;

13. Vicinity map;

14. The following information to be listed on the tentative map in the following consecutive order: (Ord. 1152, 4-25-1978)

TENTATIVE MAP

Owner of record: (name and address)

Name of applicant: (name and address)

Map prepared by: (name and address)

Scale:

Contour interval:

Source of Topography:

Section, Township and Range or lot and block:

Assessment parcel number(s):

Present zoning:

Total area:

Total number of parcels:

Minimum parcel area:

Water supply:

Sewage disposal:

Date:

Note: In the lower right hand corner of each map, a signature block should be shown giving space for:

DEVELOPMENT SERVICES DIRECTOR

DATE: APPROVAL:
CONDITIONAL APPROVAL:
DISAPPROVAL:

PLANNING COMMISSION

DATE: APPROVAL:
CONDITIONAL APPROVAL:
DISAPPROVAL:

CITY COUNCIL

DATE: APPROVAL:
CONDITIONAL APPROVAL:
DISAPPROVAL:

(Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-7: SUBMITTAL OF TENTATIVE MAP:

Any recommendation imposing a burden on the applicant, generated during the processing of a tentative map by any city staff, prior to a hearing by the planning commission or city council, shall be in writing and a copy shall be provided to the divider or agent at least three (3) days prior to said hearing

or action on the map by the commission or council. The subdivider shall provide ten (10) additional copies of the tentative map for hearing before the planning commission and eight (8) additional copies of the tentative map for hearing before the city council. The subdivider shall submit said copies to the planning division at least ten (10) days prior to any hearings. (Ord. 1152, 4-25-1978)

10-8-8: REVIEW OF TENTATIVE MAP BY AGENCIES OTHER THAN CITY DEPARTMENTS:

The review procedure shall be in accordance with sections 66453, 66455.5 and 66455.7 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-9: ACTION ON TENTATIVE MAP:

Upon receipt of the application, application fee, tentative map, radius map, and list of property owners within three hundred feet (300'), the development services director shall approve or disapprove the tentative map as to design, area, flood and drainage control, reasonable on site and off site improvements, under the provisions of this chapter and section 66411 of the subdivision map act, within fifty (50) days, or such time as reasonably necessary with the concurrence of the applicant, when there has been no contest on environmental grounds. The criteria used shall be city standards. If the development services director finds that the tentative map does not fulfill all of the criteria as defined, the applicant will be so notified and such notice shall specifically enumerate the nonconforming conditions. The development services director shall either approve, conditionally approve, or deny the tentative map. The applicant may then either revise the map to so conform or request a hearing before the planning commission. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-10: APPEAL TO FIRST APPEALS BOARD:

The planning commission, upon appeal from the applicant or any other interested person within three hundred feet (300') of said property as per section 10-3-7 of this title, shall evaluate and approve, conditionally approve or disapprove said map and may at its discretion, grant variances as per section 10-8-5 of this chapter. The planning commission shall take action within fifty (50) days of the filing of a request for hearing or the map will be deemed as approved unless the applicant has agreed to an extension of time. (Ord. 1152, 4-25-1978)

10-8-11: APPEAL TO FINAL APPEALS BOARD:

The applicant or any interested person who is adversely affected by the decision on the map may file an appeal to the action of the planning commission to the city council in accordance with section 10-3-7 of this title. Any appeal must be filed within fifteen (15) days after action of the planning commission. The decision of the city council shall be final and shall be rendered within seven (7) days of the conclusion of the hearing. The council may sustain, modify, reject or overrule any recommendations or rulings of the planning commission or development services director and may make such findings as are not inconsistent with the provisions of the subdivision map act or this chapter.

In any instance where a land division proposes to create five (5) or more parcels, the development services director shall present the map to the planning commission and cause a legal notice to be published at least once in a newspaper of general circulation published and circulated in El Dorado

County, not less than ten (10) days prior to any action being made upon said land division proposal. Said notice shall generally describe the area and explain the pertinent aspects of the land division proposal and shall give the time and place that the planning commission shall make the decision upon the proposal. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-12: EXPIRATION OF TENTATIVE MAPS:

An approved tentative map shall expire twelve (12) months after its approval. Once expiration has occurred, all proceedings shall be terminated and no parcel map shall be filed without processing a new tentative map. A divider may apply for an extension of time in which to file a parcel map and such an extension may be granted for one additional period of twelve (12) months. If the development services director denies the divider's request, the divider may appeal the decision to the planning commission within fifteen (15) days of said denial. If the divider is still dissatisfied, an appeal before the city council may be filed as per section 10-3-7 of this title within fifteen (15) days of said decision. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-13: TENTATIVE MAP PROCESSING FEE:

When a tentative map for a division of land is filed for approval, a fee shall be paid for the purpose of defraying the costs incidental to the processing of such a tentative map as follows:

2 parcels	$40.00
3 parcels	60.00
4 parcels	80.00
5 or more parcels (per parcel)	20.00

(Ord. 1152, 4-25-1978)

10-8-14: PREPARATION OF PARCEL MAPS:

The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property, and shall conform to all of the following provisions:

(A) It shall be legibly drawn, in black drawing ink or by a process guaranteeing a permanent record in black on tracing cloth or other material acceptable by the county recorder. Certificates may be legibly stamped or printed upon the map with permanent black ink;

(B) The size of each sheet shall be eighteen inches by twenty six inches (18" x 26"). A marginal line shall be drawn completely around each sheet, leaving an entirely black margin of one inch (1"). The scale of the map shall be large enough to show all details clearly. Any number of sheets may be used to accomplish this providing each sheet specifies the total number of sheets and its relation to each adjoining sheet;

(C) Each parcel shall be numbered or lettered;

(D) The exterior boundary of the land included within the division shall be indicated by heavy lines;

(E) The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five (5) acres or more;

(F) A certificate or by separate instrument, signed and acknowledged by all parties having any record title interest in the real property divided, consenting to the preparation and filing of the parcel map is required, except as otherwise provided by section 66436 of the subdivision map act; (Ord. 1152, 4-25-1978)

(G) The scale of the final parcel map shall be one inch equals twenty feet (1" = 20'), one inch equals fifty feet (1" = 50'), one inch equals one hundred feet (1" = 100'), one inch equals two hundred feet (1" = 200'), or one inch equals four hundred feet (1" = 400') or as approved by the development services director; (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

(H) The parcel map shall be labeled as a "parcel map" in the heading identifying section, township, and range, and prior parcel map, if any, and/or lot and block; (Ord. 1152, 4-25-1978)

(I) The existing assessor's parcel number and the tentative map number with the date approved by the development services department shall be shown in the lower right hand corner; (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

(J) The location, nature and type and marking thereon of all monuments found shall be shown, including all monuments required; (Ord. 1152, 4-25-1978)

(K) Together with a fee as required by section 4-8-1 of this code to defray the costs incidental to the processing of such final map. (Ord. 1263, 5-26-1981)

The map shall be accompanied by two (2) sets of prints of the map and copies of original traverse sheets prepared by an engineer or surveyor showing mathematical closures and proof of the accuracy. (Ord. 1152, 4-25-1978)

10-8-15: SURVEY:

The parcel map shall be based upon a field survey made in conformity with the land surveyors act. (Ord. 1152, 4-25-1978)

10-8-16: LIMIT OF SURVEY ERROR:

A traverse of the exterior boundaries of the parcel map and of each parcel therein, when computed from field measurements on the ground, must close within a limit of error of one foot (1') in three thousand feet (3,000') on perimeter. The civil engineer or land surveyor must furnish the city engineer at the time the parcel map is submitted to him for his certificate, the traverse sheets showing mathematical closure, within the allowable limits of closure. On curves, closure shall be by chord measurement. Other detail maps shall be furnished as may be required for accurate checking. (Ord. 1152, 4-25-1978)

10-8-17: PLACEMENT OF MONUMENTS:

The civil engineer or land surveyor making a survey of a parcel map shall cause permanent corner monuments as herein specified to be set. Said monuments shall be at least eighteen inches (18") long, set firmly in the ground, and extending approximately three inches (3") above the surface of the ground at all lot corners and witness corners, except that they should not be placed above the ground if to do so would create a safety hazard.

(A) Monument Materials:

1. Preferred: Three-fourths inch ($^3/_4$") (inside diameter) or larger, galvanized (or cadmium plated) capped iron pipe stamped on the top of the cap with either the notation "RCE" for registered civil engineer or "LS" for the licensed land surveyor, together with the license number of the civil engineer or land surveyor. The year date shall be stamped on the cap.

(B) Optional:

1. Steel reinforcing bar five-eighths inch ($^5/_8$") or three-fourths inch ($^3/_4$") diameter. The "RCE" or "LS" numbered brass tag with year date to be brazed and riveted on. The use of wire to affix the tag is not acceptable.

2. Drill steel seven-eighths inch ($^7/_8$") or larger in diameter stamped with the "RCE" or "LS" and the license numbers and the year date.

3. Square or round steel bars three-fourths inch ($^3/_4$") or larger in diameter stamped with the notations "RCE" or "LS" and the license numbers and the year date. (Ord. 1152, 4-25-1978)

10-8-18: U.S. GOVERNMENT LAND CORNERS:

(A) All full section corners, quarter corners and sixteenth corners that are a part of the parcel map, or are required ties to the parcel map, shall be rehabilitated for preservation, if required, and complete notations as to what was found or set at each of these U.S. government land survey corners, shall be made upon the parcel map, as required by the state land surveyors act. Unless the U.S. government corner is monumented by a one and one-half inch ($1^1/_2$") (inside diameter) or larger, galvanized capped iron pipe, it shall be replaced with a one and one-half inch ($1^1/_2$") or larger, galvanized capped iron pipe which shall be stamped appropriately in the manner specified in the "Manual Of Surveying Instructions", U.S. bureau of land management, together with the notation of

either "RCE" or "LS" and the license numbers of the civil engineer or land surveyor. The annual year date shall also be stamped thereon.

(B) If the found and accepted section, quarter and sixteenth corner is found adequately monumented with a one and one-half inch ($1^1/_2$") or larger, galvanized iron pipe, but not stamped, or only partly stamped, the missing data shall be stamped thereon, including the notations of either "RCE" or "LS" and the license numbers and the year date. A statement as to what was found, set or added shall be placed on the parcel map. (Ord. 1152, 4-25-1978)

10-8-19: CERTIFICATES:

Certificates shall be as required as per sections 66449 and 66450 of the subdivision map act. (Ord. 1152, 4-25-1978)

10-8-20: CERTIFICATION OF RECORDER:

The certification by the recorder shall be as set forth in sections 66464 and 66466 of the Government Code and, in addition, the above required certificates shall be affixed in one of the following manners:

(A) Commencing at the lower left corner area and reading to the right across the bottom area of the map, the surveyor's certificate shall be first, the city engineer's certificate shall be second, and the recorder's certificate shall be third.

(B) Commencing at the upper right corner area and reading to the right across the bottom, the surveyor's certificate shall be first, the city engineer's certificate shall be second, and the recorder's certificate shall be third. (Ord. 1152, 4-25-1978)

10-8-21: FILING OF PARCEL MAP:

Within twelve (12) months after approval of the tentative map or extensions thereon, a parcel map may be filed with the recorder. This map shall be filed prior to sale, lease or financing of such parcels. Conveyances may be made of parcels shown on each map by number or letter. Upon application, an extension of the approval of the tentative map may be granted by the development services director. The development services director may require dedications or an offer of dedication by separate instrument for street opening or widening or easements, and it shall be the responsibility of applicant to pay all recording fees. Any improvements or other items to be completed within one year of the date of filing of the parcel map in accordance with the provisions of this chapter and section 66411.1 of the subdivision map act shall have been satisfied, bonded for completion, or street frontage agreement filed when recommended by the planning commission and accepted by the city council, prior to the filing of the parcel map. Any improvements or other items not accomplished and so certified by a registered civil engineer at the time of filing of the parcel map, shall be covered by a performance bond, cash deposit or approved instrument of credit, the content and form of which shall be agreed upon by the applicant and the city, based upon a cost estimate prepared by a registered civil engineer retained by the applicant. If the improvements or other items required as a condition of approval of the tentative map are not required to be completed within one year of the date of the filing of the parcel map, then the applicant shall execute an instrument, the content and form of which shall be approved by the city,

which instrument shall give constructive notice of the requirements of construction of said improvements as a condition precedent to the subsequent issuance of a permit or other grant of approval for the development of any or all of the parcels created. Said instrument shall be recorded together with the filing of the parcel map. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-22: CORRECTION AND AMENDMENT OF PARCEL MAPS:

Amendment of parcel maps shall be as set forth in section 66469 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-23: PREPARATION; REQUIREMENTS:

The amending map or certificate of correction shall be prepared pursuant to section 66470 of the Government Code, and shall conform to the requirements of this chapter. (Ord. 1152, 4-25-1978)

10-8-24: RESERVED:

10-8-25: FILING; INDEXING; EFFECT:

The amending map or certificate of correction shall be filed pursuant to section 66472 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-26: REQUIREMENTS FOR APPROVAL AND DISAPPROVAL; COMPLIANCE WITH STATE LAW:

Maps failing to meet the requirements or conditions imposed by the subdivision map act (Government Code sections 66473 et seq.) or this chapter shall not be approved. The provisions of law applicable at the time of approval of the tentative map shall govern. However, a technical or inadvertent error may be excused if it is found that it does not materially affect the validity of the map. (Ord. 1152, 4-25-1978)

10-8-27: COMPLIANCE WITH GENERAL AND SPECIFIC PLANS:

A determination of whether the tentative map complies with general and specific plans shall be made pursuant to section 66473.5 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-28: FINDINGS JUSTIFYING DISAPPROVAL:

Findings justifying disapproval shall be based on section 66474 of the Government Code together with the following findings:

(A) That one or more parcels of less than five (5) acres is proposed to be created without the property being supplied with:

1. Domestic water supplied by a public entity; or

2. Sewer service supplied by a public entity.

(B) That the design of the division or the improvements are not suitable to allow for compliance of the requirements of section 4291 of the California Public Resources Code. (Ord. 1152, 4-25-1978)

10-8-29: APPROVAL OF PARCEL MAP FOR LAND PROJECT:

Approval of parcel map for land project shall be pursuant to section 66474.5 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-30: PROPOSED WASTE DISCHARGE VIOLATING WATER QUALITY:

A determination of whether the proposed waste discharge would violate water quality will be based on section 66474.6 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-31: DEDICATION AND ABANDONMENT PROCEDURES:

(A) Public Easements: Either a dedication or irrevocable offer of dedication of real property within the division for streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements may be required for the expansion of the existing city road system. Such irrevocable offers may be terminated as provided in subdivisions (a), (b), (c), (d), and (e) of section 66477.2 of the subdivision map act.

(B) Waiver Of Direct Access Rights: There may be imposed a requirement that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property shown on a parcel map as abutting thereon, and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions. (Ord. 1152, 4-25-1978)

10-8-32: ACCEPTANCE OR REJECTION:

If a dedication is made on a parcel map, or by separate instrument, the development services director or city engineer shall accept, accept subject to improvement, or reject any offer of dedication. The city clerk shall certify on the map the actions by the development services director or city engineer, or attest to the action of the development services director or city engineer on a separate certificate when the dedication occurs by separate instrument. (Ord. 1654, 6-25-2013)

10-8-33: OFFER OF DEDICATION; CONTINUATION AFTER REJECTION; TERMINATION:

(A) Streets, Paths, Alleys, Storm Drainage Easements: If at the time the parcel map is approved, any streets, paths, alleys, storm drainage easements, public utilities and other public easements are rejected, the offer of dedication shall remain open, and the city council may, by resolution at any

later date, and without further action by the divider, rescind its action and accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

(B) Termination And Abandonment; Procedure: Offers of dedication which are covered by subsection (A) of this section may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by part 3 (commencing with section 8800) of division 9, or chapter 2 (commencing with section 940) of division 2 of the Streets And Highways Code, whichever is applicable. (Ord. 1152, 4-25-1978)

10-8-34: TIME OF PASSING TITLE:

Time of passing title shall be pursuant to section 66477.3 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-35: DESIGN AND IMPROVEMENT REQUIREMENTS:

(A) All design criteria and improvements, made or installed in connection with the approval of a tentative parcel map shall conform to the city standards and specifications;

(B) All land divisions shall establish parcels consistent with the zoning regulations applicable to the area where the parcels are located, all parcels created to have an approved access, and shall be consistent with applicable general and specific plans;

(C) Drainage preservation areas shall be established so as to preserve and protect the natural drainageways. The natural drainage courses shall be maintained in the original channel or in a constructed channel designed to accept flows normal to a 50-year storm;

(D) Utility easements shall be established and be continuations of existing utility easements;

(E) Land divisions shall be designed so as to protect existing wells and septic systems except for those facilities to be abandoned;

(F) Obtain an encroachment permit from the city's engineering department or the state of California department of transportation for easements servicing parcels which front upon a publicly maintained road or highway;

(G) Access to each parcel created must be shown;

(H) All lots or parcels created by the division of land shall have frontage to an improved street meeting city standards;

(I) Common driveway, or access easements shall not normally be permitted. However, if the commission determines that the most logical development of the land requires that lots be created which cannot easily be served by a public street, a private access may be approved. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of all private improvements, the topography and means of access to each lot, drainage and sewerage of the lots served by such private improvements and a plan satisfactory to the city for ownership and maintenance of said access and the liability for taxes thereon. Construction of these improvements as approved by the city shall be completed prior to occupancy of any buildings on lots served by a private access;

(J) Flag shaped lots shall not be approved;

(K) Street rights of way in conformance with subsection 10-7-5(A)3 of this title shall be provided to serve all parcels within the land division;

(L) Grades, curves and sight distances shall be subject to approval by the city engineer, to ensure proper drainage and/or safety for vehicles and pedestrians. Grades of streets shall be not less than four-tenths percent (0.4%), nor more than seven percent (7%) on arterial roads, twelve and one-half percent ($12^1/_2$%) on residential collector streets, and fifteen percent (15%) on residential streets. Any grade segment in excess of twelve percent (12%) may not exceed five hundred feet (500') in length. At street intersections, property lines at each block shall be rounded by an arc, the radius of which shall not be less than ten feet (10') and shall be concentric with the curb return wherever possible. (Ord. 1152, 4-25-1978)

10-8-36: IMPROVEMENTS:

Any subdivider shall improve, or agree to improve, all streets, highways, alleys, ways, or easements within or adjacent to the proposed division of land as a condition precedent to acceptance thereof and approval of the parcel. Such improvements shall be installed at lines and grades and in accordance with specifications approved by the city engineer; such improvements shall include:

(A) Grading and drainage, including storm drains and culverts, necessary for proper use and public safety and designed to conform to sound engineering practices as stated in title 8, chapter 7 of this code; (Ord. 1152, 4-25-1978)

(B) Concrete curbs, gutters and sidewalks; such improvements shall apply to C; R-1, 6,000; R-1, 10,000; BP and R-2 zones. In lieu of concrete curbs, gutters and sidewalks, a minimum of four feet (4') in width of asphaltic paving shall be provided to serve pedestrian movement and a positive means of drainage control shall be provided as per subsection (A) of this section for RE, R-1A, and R-1, 20,000 zones. Location and alignment shall be subject to approval of the development services director; (Ord. 1654, 6-25-2013)

(C) Street roadway structural section to be per city standards adopted by the city council;

(D) Sanitary sewers and public utilities for each lot which shall be made available for each lot in such manner as will alleviate the necessity for disturbing the street pavement, gutter, curb, and sidewalk

when service connections are made;

(E) Streetlights as required by city standards as adopted by the city council;

(F) Location and construction of fire hydrants as per fire department requirements;

(G) In addition to the minimum improvements required by this section, the planning commission may recommend, and the council may require, such additional improvements and facilities or such modifications in the standards of minimum improvements as special conditions may cause these bodies to make a special finding of need;

(H) Before commencing the construction of any improvement required by this section or the recordation of any map the subdivider shall have plans, profiles, and cross sections prepared by a registered civil engineer, where required by the city engineer. Such plans, profiles, and cross sections shall be drawn in conformity with standards prescribed by, and to the satisfaction and approval of the city engineer. After such plans, profiles, and cross sections have been approved and signed by the city engineer, the subdivider shall file one set of original transparencies with the city engineer;

(I) No parcel map shall be presented for approval until the subdivider either completes the required improvements or enters into a contract agreement with the city to complete such improvements within a specified reasonable time after the approval and recordation of the map, such contract agreement to be secured, in such amount as the city engineer shall estimate and determine will be necessary to complete all the improvements required to be done by the subdivider. If subdivider is required to install improvements which contain supplemental size, capacity or number for the benefit of property not within the proposed division of land or reversion to acreage as a condition precedent to the approval of a map, and thereafter to dedicate such improvements to the public, the subdivider shall be reimbursed, by the terms of the contract agreement that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the proposed division of land only, and the actual cost of such improvements. (Ord. 1152, 4-25-1978)

10-8-37: SECURITIES:

Securities shall be required by the provisions of the subdivision map act of the state of California, section 66499(a) of the Government Code. (Ord. 1236, 10-9-1979)

Each improvement security shall be subject to approval and acceptance by the city attorney and city engineer.

When a portion of an improvement has been fully completed, the city engineer may in his discretion authorize a reduction in an improvement security given for faithful performance equal to the estimated cost of the completed portion of the improvement.

Upon the failure of a subdivider to complete an improvement within the time specified in an agreement, the city council may, upon notice in writing of not less than ten (10) days served upon the person, firm or corporation signing the contract or upon notice in writing of not less than twenty (20) days served by registered mail, addressed to the last known address of the person, firm or corporation signing the contract, determine that the improvement work or any part thereof is incomplete and may cause to be

forfeited to the city the portion of the sum of money or bonds given for the faithful performance of the work or any cash savings and loan certificates or shares deposited and assigned to assure the faithful performance of the work to complete the improvement work. (Ord. 1152, 4-25-1978)

10-8-38: PROHIBITIONS AND PENALTY:

Prohibitions and penalty shall be pursuant to section 66499.30 of the Government Code. (Ord. 1152, 4-25-1978)

10-8-39: LOT LINE ADJUSTMENTS:

Section 66412 of the subdivision map act exempts boundary line adjustments from the procedures set forth in this chapter; however, the city of Placerville must approve the lot line adjustment by resolution. Therefore, the city council of the city of Placerville hereby sets forth the following procedures for processing and approving lot line adjustments: (Ord. 1152, 4-25-1978)

(A) In the event that the owners of two (2) or more adjoining parcels desire to modify the location of a common boundary between the two (2) or more parcels in such a manner that no additional parcels are created, the applicant shall only be required to process a lot line adjustment map. The development services director is authorized to review, approve and process the map for recording without further action by the planning commission or city council. The applicant shall pay only the fees for processing a tentative parcel map; all other fees required by this chapter shall be waived. The development services director shall approve the lot line adjustment provided that the proposed parcels of land meet all city requirements as to: 1) area, width and depth; 2) setback requirements; 3) if legal setbacks are existing no lot line adjustments shall be approved which create substandard setbacks. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-40: ISSUANCE OF CERTIFICATE OF COMPLIANCE:

The development services director shall prepare a certificate of compliance for said lot line adjustment and one copy shall be sent to each property owner; one copy to the county assessor, and file one copy with the tentative map. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-41: LOT LINE ADJUSTMENT MAP, INFORMATION REQUIRED:

(A) North point;

(B) Scale;

(C) The location, name and right of way width of adjacent streets, highways and alleys;

(D) Show present and future boundaries of the parcels;

(E) Location of all existing structures;

(F) Legal description of each adjusted parcel;

(G) Size of map, eighteen inches by twenty six inches (18" x 26");

(H) Information as required by subsection 10-8-6(B)14 of this chapter, tentative maps with the exception of contour intervals, source of topography, water supply, sewage disposal. (Ord. 1152, 4-25-1978)

10-8-42: VIOLATIONS; OFFENSE:

Any person who violates any provision of this chapter shall be guilty of a misdemeanor. (Ord. 1152, 4-25-1978)

10-8-43: REVERSION TO ACREAGE:

Reversion to acreage petitions shall be processed in compliance with chapter 6 of the subdivision map act. Fees to be charged for the processing of said petition shall comply with section 10-8-13 and subsection 10-8-14(K) of this chapter. (Ord. 1152, 4-25-1978)

Chapter 9
ADULT ENTERTAINMENT BUSINESSES REGULATED

10-9-1: PURPOSE:

In adopting this chapter, it is recognized that certain types of adult related establishments possess certain objectionable operational characteristics which will have adverse effects upon the character of the areas in which they do business and adjacent neighborhoods. It is further recognized that locating adult related establishments in close proximity to facilities frequented by minors will cause the exposure of minors to adult material which may adversely affect such minors. In addition, it is recognized that substantial numbers of citizens of the city are offended by the public display of sexually oriented material. Special regulation of adult related uses is, therefore, necessary to ensure that these adverse effects of adult related uses will not contribute to the blighting or downgrading of zones in which they are permitted or of surrounding neighborhoods; will not adversely affect minors; and will not offend the citizens of the city who do not wish to be exposed to sexually oriented material. (Ord. 1408, 11-25-1986)

10-9-2: EFFECT:

All applicable provisions of this title shall apply to the regulation of adult related establishments unless in conflict with the provisions of this chapter.

This chapter does not and shall not be interpreted as legalizing or condoning the production, presentation, sale, advertisement, dissemination or distribution of matter which is obscene as defined and regulated by applicable state and local laws; nor shall this chapter be interpreted as legalizing or condoning participation in management, production, presentation or exhibition of obscene live conduct in any public place or any place exposed to the public view as defined and regulated by applicable state and local law. (Ord. 1408, 11-25-1986)

10-9-3: DEFINITIONS:

As used in this chapter, the terms identified by this section shall be ascribed the meanings indicated.

ADULT BOOKSTORE: An establishment whose primary business is to offer for sale any one or more of the following:

(A) Books, magazines, periodicals, or other printed matter, or photographs, films, motion picture, videocassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or

(B) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities". This definition does not include a bona fide pharmacy.

ADULT HOTEL OR MOTEL: A hotel or motel or similar establishment offering public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT MOTION PICTURE THEATER: An establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown and in which any portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT RELATED ESTABLISHMENT: A bathhouse, escort bureau, introductory service, massage establishment, outcall massage service, modeling studio or sexual encounter center, as defined by this chapter. "Adult related establishment" shall also include adult arcade, adult bookstore, adult motion picture theater, adult hotel or motel, adult theater or cabaret or any other business or establishment which has available or offers any patron, for pecuniary compensation, consideration, hire or reward, services or entertainment or activities which involve the display "specified anatomical areas", or in which "specified sexual activity" occurs.

ADULT THEATER: A theater, concert hall, auditorium or similar establishment which, for any form of consideration, features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

BATHHOUSE: An establishment whose primary business is to provide, for pecuniary compensation, consideration, hire or reward, access to any kind of bath facility, including, but not limited to, showers, saunas and hot tubs.

CABARET: An establishment that serves food and/or alcoholic beverages and features live entertainment depicting "specified sexual activities" or "specified anatomical areas".

ESCORT SERVICES: In relation to escort services, the following terms shall be ascribed the following meanings:

Escort: A person who, for pecuniary compensation, consideration, hire or reward, either escorts or accompanies others to or about social affairs, entertainment or places of amusement, or keeps company with others about any place of public resort or within any private quarters.

Escort Bureau: An establishment which, for pecuniary compensation, consideration, hire or reward, furnishes or offers to furnish escorts.

ESTABLISHMENT: The "establishment" of an adult related establishment shall mean and include any of the following:

(A) The opening or commencement of any such establishment as a new business;

(B) The conversion of an existing business, whether or not an adult related establishment, or any of the adult related establishments defined herein;

(C) The addition of any of the adult related establishments defined herein to any other existing adult related establishment; and

(D) The relocation of any such establishment.

INTRODUCTORY SERVICE: A business which, for pecuniary compensation, consideration, hire or reward helps persons to meet or become acquainted with others for social purposes. For purposes of this section, "others" include personnel of the introductory service.

MASSAGE ESTABLISHMENT: An establishment where massage, alcoholic rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered in exchange for any form of consideration for the purpose of providing any service during which time "specified anatomical areas" are displayed or "specified sexual activity" occurs.

MASSAGE TECHNICIAN: Any person who for pecuniary compensation, consideration, hire or reward, engages in the practice of massage.

MODELING SERVICES: In relation to modeling services, the following terms shall be ascribed the following meanings:

Figure Model: Any person who, for pecuniary compensation, consideration, hire or reward, poses to be observed, sketched, painted, drawn, sculpted, photographed or otherwise depicted.

Modeling Studio: An establishment which provides for pecuniary compensation, consideration, hire or reward, figure models who display "specific anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons who pay such consideration.

OUTCALL SERVICE ACTIVITY: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time "specified anatomical areas" are displayed or "specified sexual activity" occurs.

PERSON: Includes any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PARK: A park, playground, swimming pool or athletic field within the city which is under the

control, operation or management of the city parks and recreation department.

RELIGIOUS INSTITUTION: A building which is used primarily for religious worship and related religious activities.

SCHOOL: An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the state board of education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or a special institution of learning under the jurisdiction of the state department of education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

SEXUAL ENCOUNTER CENTER: An establishment which provides two (2) or more persons, for pecuniary compensation, consideration, hire or reward, with a place to assemble for the purpose of engaging in "specified sexual activities" or displaying specified anatomical areas". "Sexual encounter center" does not include hotels or motels.

SPECIFIED ANATOMICAL AREAS: Includes:

(A) Less than completely and opaquely covered: 1) human genitals or pubic regions; 2) buttocks; or 3) female breasts below a point immediately above the top of the areola; and

(B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Includes the following:

(A) Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical or stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship.

(B) Clearly depicted human genitals in a state of sexual stimulation, as arousal or tumescence; or

(C) Use of human or animal masturbation, sodomy, oral copulation, coitus, or ejaculation; or

(D) Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts; or

(E) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(F) Erotic or lewd touching, fondling or other contact with an animal by a human being; or

(G) Human excretion, urination, menstruation or vaginal or anal irrigation.

(H) Any of the following depicted sexually oriented acts or conduct: necrophilia, pederasty, pedophilia or zooerastia. (Ord. 1408, 11-25-1986)

10-9-4: EXEMPTIONS:

The provisions of this chapter shall not be applicable to or include the following:

(A) Hospital, nursing homes, sanitariums, or persons working in any such establishments:

(B) Any licensed or certificated medical practitioner, chiropractor, massage therapist, massage technician, acupuncturist, physical therapist or similar professional person licensed or certificated by the state of California including those persons who have completed a course of study and hold a certificate of completion from a state approved school which teaches the theory, ethics, practices, profession and work of massage.

(C) Barbers or cosmetologists lawfully carrying out their particular occupation or business, and holding a valid, unrevoked license or certificate of registration issued by the state of California;

(D) Modeling schools or classes maintained pursuant to standards established by the state board of education of the state of California; or

(E) Any recognized school of massage which: 1) teaches the theory, ethics, practice, profession and work of massage; and 2) requires a residence course of study to be given before the student is furnished with a diploma or certificate of learning or completion; and 3) has been approved pursuant to section 94311(d) of the Education Code, or, if said school is not located in California, has complied with the standards commensurate with those specified in said section 94311(d). A "recognized school of massage" as those terms are used above, shall not include a school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at class, or courses of massage technician not approved by the California state department of education. (Ord. 1408, 11-25-1986)

10-9-5: HOME OCCUPATIONS:

No "adult related establishment" as defined in this chapter shall be permitted as a home occupation under any zoning classification. (Ord. 1408, 11-25-1986)

10-9-6: ZONES FOR ADULT RELATED ESTABLISHMENTS:

Adult related establishments are permitted only in areas with a C zoning classification. No such establishment shall be permitted to be established in any area outside such zoning classification. (Ord. 1408, 11-25-1986)

10-9-7: LOCATION OF ADULT RELATED ESTABLISHMENTS WITHIN C ZONES:

Within the zones in which adult related establishments are permitted, no such business shall be established in the following locations:

(A) Within five hundred feet (500') of any area zoned for residential use;

(B) Within five hundred feet (500') of any other adult entertainment business;

(C) Within one thousand feet (1,000') of any public park, religious institution or school. (Ord. 1408, 11-25-1986)

10-9-8: MEASUREMENT OF DISTANCE:

The distance between any two (2) adult related establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult related establishment and any residential zone, religious institution, school or public park shall be measured in a straight line, without regard to intervening structures, from the closest property line of the residential zone, religious institution, school or public park to the closest exterior structural wall of such adult related establishment. (Ord. 1408, 11-25-1986)

10-9-9: VARIANCES:

(A) Any property owner or his authorized agent may apply to the planning commission for a variance from section 10-9-7 of this chapter. The planning commission, after a hearing, may issue a variance permit if the following findings are made:

1. That the applicant has met the conditions required for variances from zoning ordinance pursuant to Government Code section 65906 and section 10-3-6 of this code.

2. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.

3. That the establishment of an adult related establishment in the area will not be contrary to the city's general plan or any program of neighborhood conservation, nor will it interfere with any program of redevelopment.

4. That all applicable provisions of state and local law will be observed.

(B) The procedure for obtaining and receiving a variance permit shall be the same as that provided in section 10-3-6 of this title with, among other matters, the same notice requirements, the same right of appeal to the city council, and the same fees payable by the applicant. However, notice of such variance request shall be given to all property owners on the assessment rolls within a radius of five hundred feet (500') or one thousand feet (1,000') of such requested location as appropriate pursuant to section 10-9-6 of this chapter. (Ord. 1408, 11-25-1986)

10-9-10: APPLICABILITY OF THIS CHAPTER AND DISCONTINUANCE OF NONCONFORMING BUSINESSES:

This chapter shall apply to the establishment of all adult related establishments upon the effective date of the adoption of this chapter by the city council. Adult related establishments which are in existence prior to the effective date hereof and are made nonconforming by reason of the provisions of this chapter shall be subject to the following regulations:

(A) Such adult related establishments shall not be enlarged, increased or extended to occupy a greater area.

(B) Upon the substantial destruction of the building, or portion of the building, in which such adult related establishment exists, the business shall be considered terminated and may not be resumed.

For the purposes of this subsection, "substantial destruction" means damage by fire or water or other causes to the extent of more than fifty percent (50%) of the building's assessed value.

(C) If such business is discontinued for a continuous period of more than six (6) months for any reason, said adult related establishment shall be considered terminated and may not be reestablished.

(D) Such adult related establishment shall be terminated within two (2) years from the effective date of this chapter. A variance from this provision may be obtained if such business continues to be in noncompliance with the requirements of this chapter, upon the finding that the business is obligated by written lease entered into before the effective date of this chapter for a period exceeding two (2) years from such effective date, or that the activity involves investment of money in a leasehold or improvements such that a longer period is necessary to prevent undue financial hardship. For the purpose of this subsection, an option to renew a lease shall not be evidence that a business is obligated by a written lease for a period beyond the current term of the lease. The variance procedure and fees shall be the same as provided in section 10-9-9 of this chapter and section 10-3-6 of this title.

(E) Nonconforming adult related establishments shall, within thirty (30) days from the effective date of this chapter, comply with all other applicable provisions of this code. (Ord. 1408, 11-25-1986)

10-9-11: PUBLIC DISPLAY OF CERTAIN MATTER PROHIBITED:

Any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this chapter shall be located, covered or screened in such a manner as to prevent a view by the public. Further, such businesses may not have signs, graphics or window displays which in any way present, depict, illustrate or describe such material when such material has as its purpose or effect sexual arousal, gratification or affront. (Ord. 1408, 11-25-1986)

Chapter 10
MEDICAL MARIJUANA REGULATIONS[1]

(Rep. by Ord. 1693, 10-9-2018)

Chapter 11
VESTING TENTATIVE MAPS

10-11-1: CITATION AND AUTHORITY:

This chapter is enacted pursuant to the authority granted by the state of California subdivision map act, division 2 subdivisions, of title 7, chapter 4.5, development rights of the Government Code,

commencing with section 66498.1 (hereinafter referred to as the vesting tentative map statute). (Ord. 1626, 7-8-2008)

10-11-2: 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 and of this title. Except as otherwise set forth in the provisions of this chapter, the provisions of this code shall apply to vesting tentative maps.

To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. 1626, 7-8-2008)

10-11-3: CONSISTENCY:

No land shall be subdivided and developed pursuant to a vesting tentative map which is inconsistent with the city of Placerville general plan, or is inconsistent with the applicable zoning ordinance or other applicable provisions of this code unless specifically so allowed for in this chapter. (Ord. 1626, 7-8-2008)

10-11-4: DEFINITIONS:

(A) "Vesting tentative map" shall mean a "tentative map" or "tentative parcel map" for a residential, commercial, or industrial subdivision, as defined in this code, that shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed, and is thereafter processed in accordance with the provisions hereof.

(B) All other definitions set forth in this code are applicable. (Ord. 1626, 7-8-2008)

10-11-5: APPLICABILITY:

This chapter shall apply to residential, commercial and industrial developments. Whenever a provision of the subdivision map act, as implemented and supplemented by the subdivision ordinance, requires the filing of a tentative map or tentative parcel map for development, a vesting tentative map may instead be filed in accordance with the provisions hereof. (Ord. 1626, 7-8-2008)

10-11-6: REQUIRED SUBMITTAL DATA; COMPLETION OF APPLICATION:

(A) Upon applying for approval of a vesting tentative map, the following maps, data, reports and information shall be submitted. If any of the following documentation is not submitted, the application shall be deemed incomplete pursuant to Government Code section 65943.

1. The words "vesting tentative map" printed conspicuously on the map;

2. Four (4) copies of a drainage plan, which in addition to the requirements of the land capability study, shall include an analysis of upstream, on site and downstream facilities and details, and detail of off site drainage facilities where needed;

3. Four (4) copies of a preliminary grading plan as defined by title 8, chapter 7 of this code. The preliminary grading plan shall show all cut and fill slopes and the proposed elevations of driveways and roads at one hundred foot (100') stations, proposed building pad elevations, and at all lot corners around the periphery of the project. The preliminary grading plan shall be prepared to a plus or minus one foot (±1') tolerance;

4. Four (4) copies of a tree canopy retention plan and a woodland alteration permit (if required) in accordance with title 8, chapter 13 of this code (woodland and forest conservation plan);

5. An archeological survey noting the existence, if any, of any historical or cultural sites, and appropriate mitigation measures;

6. Fuel modification program when the proposed site is heavily vegetated with trees or brush covering fifty percent (50%) or more of the site;

7. In those circumstances where a development plan review is required by this code, such review application and all exhibits necessary for the review;

8. In those circumstances where the project requires concurrent discretionary approval (i.e., general plan amendment, zoning amendment, etc.), all exhibits necessary for such application;

9. A complete site plan showing all buildings and structures intended to be constructed on the lots proposed to be created. Those buildings, structures or improvements not shown on the site plan shall have no vested development rights hereunder and shall be subject to such ordinances, policies and standards in effect at the time of building permit issuance. Such site plan shall be of suitable scale (1 inch equals 50 feet or greater) and sufficient detail to determine whether the proposed development conforms to existing ordinances, policies and standards and shall show the following:

   (a) Lot dimensions,

   (b) All buildings and structures; location (setback area), height and proposed use (number of dwelling units),

   (c) Walls and fences: location and height,

   (d) Off street parking: location, number of spaces and dimensions,

   (e) Access: pedestrian and vehicular,

   (f) Signs: location, size and height,

   (g) Drainage: natural drainage and any proposed drainage systems,

   (h) Landscaping,

   (i) Building colors, roofing type, and building architecture,

   (j) Lighting;

10. Approved septic area for each lot if public sewer service is not proposed;

11. Building envelopes shall be noted on any proposed lot where average cross slopes exceed a ten percent (10%) grade. The building envelope area shall not exceed five thousand (5,000) square feet in area on class I subdivisions (less than 2 acre lots) or twenty thousand (20,000) square feet in rural divisions (2 acre or larger lots);

12. Application form completed and signed;

13. Deed restriction certificate signed;

14. Letter of authorization from property owner, if applicable, authorizing the agent to act as applicant;

15. A copy of official assessor's map, showing the property outlined in red;

16. Proof of ownership (grant deed), if the property has changed title since the last tax roll;

17. Completed and signed environmental assessment form;

18. If sewer or water service is proposed to be provided by a public agency, proof of availability and ability to serve the proposed development must be provided;

19. Required maps:

(a) Fifteen (15) copies of the vesting tentative map, folded to fit in an eight and one-half by eleven inch ($8^1/_2$ x 11") folder, with signature block showing:

(1) Four (4) copies of slope map noting the following slope range categories; zero percent (0%) to ten percent (10%), eleven percent (11%) to twenty percent (20%), twenty one percent (21%) to twenty nine percent (29%), thirty percent (30%) and over;

(2) One copy of the reduced vesting tentative map, eight and one-half inches by eleven inches ($8^1/_2$" x 11"), or eight and one-half inches by fourteen inches ($8^1/_2$" x 14"), may be on two (2) or more pages if necessary;

20. The vesting tentative map shall further include the following information with items in subsections (A)20(a) through (A)20(p) of this section shown on map in sequence noted:

(a) Proposed subdivision name,

(b) Owner of record (name and address),

(c) Map prepared by (name and address),

(d) Scale,

(e) Contour interval,

(f) Source of topography,

(g) Section, township, and range,

(h) Assessor's parcel number,

(i) Present zoning,

(j) Total area (acres),

(k) Total number of parcels,

(l) Minimum parcel area,

(m) Water supply,

(n) Sewage disposal,

(o) Proposed structural fire protection,

(p) Date of preparation,

(q) North point located anywhere on map,

(r) Project boundary with dimensions,

(s) A vicinity map showing the location of the project in relation to major roads, including township, range and section,

(t) Approximate dimension and area of all lots, and area of lots larger than one acre,

(u) Names of adjacent subdivisions and property owners for parcels that have not been subdivided,

(v) Approximate radii of centerline of all street curves,

(w) Grades and width of proposed and existing roads of road easements with typical improvement cross section,

(x) All existing structures, buildings, utility, transmission lines and dirt roads,

(y) Fire hydrant location, existing and/or proposed,

(z) Existing water and sewer line locations,

(1) Contours of not more than five foot (5') intervals, based on aerial photogrammetry or on site survey (USGS interpolation, not acceptable),

(2) Phasing if proposed,

(3) The location, if present, of rock outcroppings, lava caps, drainage courses, canals, reservoirs, streams, spring areas subject to inundations, wetlands, and respective one hundred foot (100') and fifty foot (50') septic system setbacks when a septic system is proposed,

(4) Flood areas on perennial streams or creeks (100-year).

(B) If as a result of the process of review by the city of the vesting tentative map it becomes necessary for the applicant: 1) to make a material change in the vesting tentative map; or 2) to submit additional data; or 3) to revise any aspect of the data that has been previously submitted pursuant to the subdivision map act and this code; then the application shall be deemed incomplete pursuant to Government Code section 65943 until such new or additional or revised maps, data, reports and information shall be submitted. (Ord. 1626, 7-8-2008)

10-11-7: PROCESSING:

(A) A vesting tentative map shall be processed in the same manner as required for tentative maps in chapter 7 of this title, or for tentative parcel maps in chapter 8 of this title; provided, however, on vesting tentative subdivision maps, the planning commission shall only make a recommendation to the city council, and the map shall then be set for hearing before the city council, jointly with a zone change or development plan when applicable, within thirty (30) days of the planning commission action.

The decision on a vesting tentative subdivision map is not final until the city council has acted on the matter as noted herein.

(B) A vesting tentative map shall not be approved unless it is found to be consistent with the general plan for the property proposed to be subdivided. A vesting tentative map application, which is consistent with the then current general plan at the time of its initial submittal, shall be deemed incomplete.

(C) A vesting tentative map shall not be approved unless it is consistent with the zoning of the property proposed to be subdivided. A vesting tentative map, which is inconsistent with the then current zoning at the time of submittal, shall be deemed incomplete unless an application for a change in zoning, and any other discretionary approval as may be required, is submitted concurrently with the vesting tentative map. If a change in the zoning, or any other discretionary approval as may be required, is obtained concurrently with the approval or conditional approval of the vesting tentative map, the approved or conditionally approved vesting tentative maps shall confer the vested right to proceed with the development in substantial compliance with the change so obtained. Vesting tentative maps shall not be approved with a condition that other discretionary approvals be subsequently secured. (Ord. 1626, 7-8-2008)

10-11-8: FEES:

Upon filing a vesting tentative map, the subdivider shall pay the fees as adopted by the city from time to time for the filing and processing of vesting tentative maps or tentative parcel maps. (Ord. 1626, 7-8-2008)

10-11-9: EXPIRATION:

The approval or conditional approval of a vesting tentative map shall expire twenty four (24) months after the date of the city council's action on said map, and shall be subject to the same extensions established by this code for the expiration of the approval or conditional approval of a tentative map or tentative parcel map. (Ord. 1626, 7-8-2008)

10-11-10: VESTING RIGHTS:

(A) Subject to the provisions of this section, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code section 66474.2. 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 the vesting tentative map is approved or conditionally approved.

(B) Determination of when an application for a vesting tentative map is complete shall be made pursuant to procedures set forth herein and pursuant to Government Code section 65943.

(C) 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.

(D) 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 10-11-9 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. 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. If the subdivider submits a complete application for a building permit during the periods of time specified in subsection (D)1 of this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 1626, 7-8-2008)

Chapter 12
AFFORDABLE HOUSING DENSITY BONUS

10-12-1: PURPOSE:

The purpose of this chapter is to provide incentives or concessions to developers for the production of housing units affordable to very low, lower, and moderate income households and to senior citizens. This chapter implements within the city the state density bonus law[1], as may be amended from time to time. In the event that any provision in this chapter conflicts with state law, state law shall control. (Ord. 1653, 3-12-2013)

10-12-2: APPLICABILITY:

The provisions of this chapter are applicable in all residential zoning districts. (Ord. 1653, 3-12-2013)

10-12-3: DEFINITIONS:

AFFORDABLE RENT: Is defined by section 50053 of the Health And Safety Code and means the monthly rent which, together with utility allowance, does not exceed the following:

(A) For very low income household density bonus units: Fifty percent (50%) of the area median income for El Dorado County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).

(B) For lower income household density bonus units: Sixty percent (60%) of the area median income for El Dorado County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).

(C) For moderate income households density bonus units: One hundred ten percent (110%) of the area median income for El Dorado County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).

AFFORDABLE SALES PRICE: A sales price at which very low, lower or moderate income households can qualify for the purchase of qualifying units.

BASE UNITS: The number of units allowed under the land use and zoning designation that are included within a housing development.

CHILDCARE FACILITY: A facility, other than a daycare home, licensed by the state of California to provide nonmedical care to children under eighteen (18) years of age in need of personal services, supervision or assistance on less than a twenty four (24) hour basis.

CITY: City of Placerville.

DENSITY BONUS: An increase in density over the otherwise maximum allowable residential density under the applicable zoning ordinance and general plan land use designation taking into account all applicable limitations.

DENSITY BONUS HOUSING AGREEMENT: A legally binding agreement between the city and an applicant, governing how the applicant shall comply with this chapter.

HOUSEHOLD: One or more individuals who occupy one dwelling unit.

HOUSING DEVELOPMENT: A project providing residential units including a subdivision, a planned unit development, multi-family dwellings, or condominium project. Housing developments consist of development of residential units or creation of unimproved residential lots and also include either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling, where the result of the rehabilitation would be a net increase in available residential units.

INCENTIVE: Enticements for providing affordable housing proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions for a qualified housing development.

LOWER INCOME HOUSEHOLD: A household whose income does not exceed eighty percent (80%) of the area median income for El Dorado County adjusted for family size, as published and periodically updated by the state department of housing and community development. See Health And Safety Code section 50079.5.

LOWER INCOME UNIT: A qualifying unit reserved for occupancy by lower income households at an affordable rent or sales price.

MAXIMUM ALLOWABLE RESIDENTIAL DENSITY: The density allowed under the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project. Maximum allowable residential density takes into account limitations to density pursuant to general plan policies and zoning ordinance regulations.

MODERATE INCOME HOUSEHOLD: A household that does not exceed one hundred twenty percent (120%) of area median income for El Dorado County, adjusted for family size, as published and periodically updated by the state department of housing and community development. See Health And Safety Code section 50093.

MODERATE INCOME UNIT: A qualifying unit reserved for occupancy by moderate income households at an affordable rent or sales price.

QUALIFYING UNITS: A dwelling or dwellings designated for occupancy by very low, lower, or moderate income households within a housing development in connection with a request for a density bonus.

SENIOR CITIZEN HOUSEHOLDS: Households headed by a person sixty two (62) years of age or older.

SENIOR CITIZEN HOUSING DEVELOPMENT: A residential development developed, substantially rehabilitated, or substantially renovated for senior citizen households that has at least thirty five (35) dwelling units.

VERY LOW INCOME HOUSEHOLD: A household that earns less than fifty percent (50%) of the area median income for El Dorado County adjusted for family size, as published and periodically updated by the state department of housing and community development. See Health And Safety Code section 50105. This term includes extremely low income households earning less than thirty percent (30%) of the area median income for El Dorado County, adjusted for family size and updated annually.

VERY LOW INCOME UNIT: A qualifying unit reserved for occupancy by very low income households at an affordable rent or sales price. (Ord. 1653, 3-12-2013)

10-12-4: ELIGIBILITY FOR DENSITY BONUS:

A development containing five (5) or more units shall qualify for a density bonus and at least one other incentive as provided by this chapter if the applicant does one of the following:

(A) Agrees to construct and maintain at least five percent (5%) of the base units for very low income households;

(B) Agrees to construct and maintain at least ten percent (10%) of the base units for lower income households;

(C) Agrees to construct and maintain at least ten percent (10%) of the base units in a common interest development as defined in Civil Code section 1351 and after January 1, 2014, Civil Code section

4100 dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;

(D) Agrees to construct and maintain a senior citizen housing development;

(E) Donates land to the city for the construction of very low income units pursuant to the provisions of section 10-12-8 of this chapter; or

(F) Includes a qualifying childcare facility pursuant to the provisions of section 10-12-7 of this chapter, in addition to providing housing described in subsection (A), (B), or (C) of this section. (Ord. 1653, 3-12-2013)

10-12-5: DENSITY BONUS CALCULATIONS:

(A) The granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approval.

(B) An applicant must choose a density bonus from only one applicable affordability category of this chapter and may not combine categories, with the exception of a childcare facility or land donation, which may be combined with an affordable housing development for an additional density bonus up to a combined maximum of thirty five percent (35%).

(C) The calculation of qualifying units shall be based on the number of base units. In no event shall a density bonus exceed thirty five percent (35%) of base units. A housing development that satisfies all applicable provisions of this chapter shall be allowed the following applicable density bonuses:

1. The density bonus for very low income units shall be calculated as follows:

VERY LOW INCOME UNITS

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
15	35

2. The density bonus for lower income units shall be calculated as follows:

LOWER INCOME UNITS

Percentage Lower Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
30	35

3. The density bonus for moderate income units shall be calculated as follows:

MODERATE INCOME UNITS

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12

18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

4. A senior citizen housing development qualifies for a twenty percent (20%) density bonus.

5. Apartment conversions to condominium projects that provide at least thirty three percent (33%) of the total units of the condominium project to persons and families of low or moderate income, as defined in section 50093 of the Health And Safety Code, or fifteen percent (15%) of the total units of the project to lower income households, as defined in section 50079.5 of the Health And Safety Code, and agrees to pay for the reasonable necessary administrative costs incurred by the city, qualify for a twenty five percent (25%) density bonus or other incentives of equivalent financial value.

   An applicant shall be ineligible for a density bonus or other incentives if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under the other provisions of this chapter. (Ord. 1653, 3-12-2013)

10-12-6: ELIGIBILITY AND APPLICATION REQUIREMENTS FOR INCENTIVES:

(A) A housing development qualifying for a density bonus is entitled to at least one incentive in addition to the density bonus. Incentives are available for qualifying housing developments as follows:

1. One incentive for a housing development project that includes at least:

   (a) Five percent (5%) of base units for very low income households;

   (b) Ten percent (10%) of base units for lower income households; or

   (c) Ten percent (10%) of base units for moderate income households within a condominium project or a planned unit development.

2. Two (2) incentives for a housing development that includes at least:

   (a) Ten percent (10%) of the base units for very low income households;

   (b) Twenty percent (20%) of the base units for lower income households; or

   (c) Twenty percent (20%) of the base units for moderate income households within a condominium project or a planned unit development.

3. Three (3) incentives for a housing development that includes at least:

   (a) Fifteen percent (15%) of base units for very low income households;

   (b) Thirty percent (30%) of base units for lower income households; or

   (c) Thirty percent (30%) of base units for moderate income households within a condominium project or a planned unit development.

(B) The city shall grant the incentive unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. That the incentive is not necessary in order to provide for affordable housing costs as defined in Health And Safety Code section 50052.5; or for rents for the targeted units to be set as specified in Health And Safety Code section 50053; or

2. That the incentive would result in specific adverse impacts, as defined in Government Code section 65589.5(d)(2), upon the public health and safety, the physical environment or any real property that is listed in the California register of historical resources and to which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower, and moderate income households; or

3. That the incentive would be contrary to state or federal law.

(C) Where a housing development qualifies for incentives pursuant to this chapter the applicant may request any of the following incentives:

1. A reduction in site development standards such as:

   (a) Reduced minimum lot sizes and/or dimensions;

(b) Reduced minimum setbacks;

(c) Increased lot coverage;

(d) Increased maximum building heights; or

(e) Reduced on site parking requirements;

2. Approval of a mixed use zoning in conjunction with the housing development if commercial, office, or other land uses will reduce the cost of the housing development and if the commercial, office or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located; or

3. Other regulatory incentives proposed by the developer or the city, which result in identifiable, financially sufficient and actual cost reductions.

4. In addition to the requested incentives above and not counting toward the eligible number of incentives, any applicant qualifying for a density bonus may request, inclusive of handicapped and guest parking, the following parking ratios:

(a)	**0 to 1 bedroom**	**1 on site parking space**
(b)	**2 to 3 bedrooms**	**2 on site parking spaces**
(c)	**4 or more bedrooms**	**$2^1/_2$ parking spaces**

If the total number of parking spaces for the development is other than a whole number the number shall be rounded up to the next whole number. (Ord. 1653, 3-12-2013)

10-12-7: CHILDCARE FACILITIES:

(A) When an applicant proposes a housing development that is eligible for a density bonus under this chapter and includes a childcare facility on the premises or adjacent to the housing development, the applicant shall receive an additional density bonus that is in an amount of square feet of residential space that is equal to the square footage of the childcare facility; or the applicant may receive another incentive that contributes significantly to the economic feasibility of the construction of the childcare facility, provided that, in both cases, the following conditions are incorporated in the conditions of approval for the housing development:

1. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to the terms of the affordable housing agreement required by this chapter.

2. Attendance of children at the childcare facility shall have an equal percentage or greater of children from very low, lower, and moderate income households than the percentage of affordable units in the housing development.

(B) The city may deny the request for a density bonus or incentive for a childcare facility if the city finds, based upon substantial evidence, that the community has adequate childcare facilities without the facilities being considered as part of the subject housing development. (Ord. 1653, 3-12-2013)

10-12-8: DONATION OF LAND:

(A) When an applicant for a tentative subdivision map, parcel map or other residential development donates land to the city, the applicant shall be entitled to a density bonus above the maximum allowable residential density, up to a maximum of thirty five percent (35%) depending on the amount of land donated. This increase shall be in addition to any increase in density permitted by this chapter up to a maximum combined density increase of thirty five percent (35%). A density bonus for donation of land shall only be considered if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the residential units in the proposed housing development seeking the density bonus.

3. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is, or will be, served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map or of the residential development the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income units on the transferred land, including site plan review (section 10-4-9 of this title).

4. The transferred land and the units constructed on said land shall be subject to a deed restriction ensuring continued affordability of the units for a period of at least thirty (30) years and subject to restrictions consistent with California Government Code section 65915 (c)(1) and (2).

5. The land is transferred to the city or to a housing developer approved by the city.

6. The transferred land shall be within the boundary of the proposed development or, if the city determines appropriate, within one-fourth ($^1/_4$) mile of the boundary of the proposed development.

7. A proposed source of funding for the very low income units shall be identified prior to the approval of the final subdivision map, parcel map, or residential housing development application. (Ord. 1653, 3-12-2013)

10-12-9: GENERAL REQUIREMENTS FOR QUALIFYING UNITS:

(A) Location: Units shall be considered as part of the housing development for which the density bonus is being considered. To the greatest extent feasible, the qualifying units shall be located throughout the housing development that also includes market rate units. Qualifying units may be clustered or located off site subject to the approval of the city, if such clustering or off site location furthers affordable housing opportunities.

(B) Exterior Appearance: The exterior appearance and quality of the qualifying units shall generally be similar to the market rate units, with exterior materials and improvements similar to, and

architecturally compatible with, the market rate units in the development.

(C) Construction Timing And Phasing: The qualifying units shall be constructed concurrently with or prior to construction of the market rate units. If a project is to be phased, the qualifying units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the city. (Ord. 1653, 3-12-2013)

10-12-10: DENSITY BONUS APPLICATION REQUIREMENTS:

At the option of the applicant, the applicant may request a preapplication conference to meet with development services department (department) staff to discuss the density bonus and incentive requests, including any request for a waiver or reduction of development standards.

Each application for a density bonus and/or approval of incentives for the development of affordable housing units shall be accompanied by the following information. Applications shall be submitted to the department for processing. Department staff shall determine the number of copies of application submittal materials required from the applicant.

(A) A site plan that identifies all units in the project including the location of all base units and qualifying units.

(B) A narrative briefly describing the project, to include:

1. Number Of Base Units: The number of base units permitted under the general plan and zoning;

2. Number Of Qualifying Units: The number of qualifying units based on density bonus criteria of this chapter;

3. Income Groups: The household income group targeted for the qualifying units; a calculation of the affordable sales price for units to be sold, or a calculation of the affordable rent for units rented to the targeted income group;

4. Total Number Of Units: The total number of units proposed in the project (base units plus density bonus units);

5. Phasing Plan: A phasing plan (if applicable) that provides for the timely development of the qualifying units proportionate to each proposed phase of development;

6. Explanation Of Requested Incentive: Any requested incentives including an explanation as to why the incentive(s) is required for the housing development;

7. Land Donation: If a density bonus is requested for a land donation meeting the requirements of section 10-12-8 of this chapter, the application shall show the following information regarding the land to be donated:

   (a) Location;

   (b) Size in acres;

   (c) General plan and zoning designations;

(d) Location of public utilities in relation to site; and

(e) Access, pedestrian and vehicular;

8. Childcare Facility: If a density bonus is requested for construction of a childcare facility meeting the requirements of section 10-12-7 of this chapter, the application shall show the location and square footage of the proposed facility.

(C) Additional information as may be requested by the director of development services to evaluate the request for a density bonus or incentive(s). (Ord. 1653, 3-12-2013)

10-12-11: APPLICATION REVIEW:

An application for a housing development with requested density bonus shall be processed concurrently with all other applications required for a building permit or discretionary permit required by the zoning ordinance (i.e., site plan review, conditional use permit, tentative parcel map, tentative subdivision map), along with applicable environmental documents set forth in the California environmental quality act.

(A) Action By The Development Services Department: The department shall review the density bonus application for completeness and consistency with this chapter, and for compatibility with the Placerville Airport land use compatibility plan (ALUCP), if the housing development is located within the ALUCP influence area. An application that is deemed complete by the development services department shall be submitted to the planning commission for consideration.

(B) Public Hearing Before Planning Commission: At the time and place set for a public hearing before the planning commission, the commission shall consider the density bonus application, recommendations of the development services department, the appropriate environmental documentation, and any other information available. The planning commission shall then take one of the following actions:

1. Recommend approval to the city council;

2. Refer the proposed application back to the developer with recommendations as to amending the application, or

3. Recommend that city council deny the request.

The planning commission's recommendation(s) shall be supported by substantial evidence in the record.

(C) Action By City Council: At the time and place set for public hearing on the density bonus application, the city council shall consider the recommendation of the planning commission, appropriate environmental documentation and public comments, and then take one of the following actions:

1. Approve the housing development and adopt the proposed density bonus application, or

2. Continue the public hearing to a date certain, referring the application back to the applicant with recommendations to amend said application, or

3. Disapprove the application.

The city council's action shall be supported by substantial evidence in the record. (Ord. 1653, 3-12-2013)

10-12-12: DENSITY BONUS HOUSING AGREEMENT REQUIRED:

The applicant shall submit a density bonus housing agreement (housing agreement) for city council approval for an approved housing development subject to this chapter. The form of the housing agreement will vary, depending on the manner in which the provisions of this chapter are satisfied for a particular development. The form and content of the housing agreement shall be subject to the review of the city attorney.

The housing agreement shall be recorded as a title restriction on the parcel or parcels on which the affordable housing units will be constructed. The cost of recording any title restriction(s) shall be borne by the applicant. The approval and recordation of the housing agreement shall take place prior to any final map being recorded or, where a map is not being processed, prior to issuance of a building permit(s) for such parcel or units. The housing agreement shall be binding on all future owners and successors in interest.

The following specific items shall be addressed in the housing agreement:

(A) Continued Affordability Of Qualifying Units: The housing agreement shall include the procedures and mechanisms proposed by the developer to maintain the continued affordability of all affordable housing units, whether rental or ownership units. An applicant shall agree to, and the city shall ensure, continued affordability of all very low and low income units that qualified the applicant for the award of the density bonus for a minimum of thirty (30) years.

(B) Rental Units: Rents for the low income and moderate income qualifying units shall be set at an "affordable rent" as defined in section 10-12-3 of this chapter. The housing agreement shall contain procedures for establishing affordable rent, filling vacancies, maintaining the units for eligible tenants, verifying household incomes, and providing annual reports necessary to demonstrate compliance with this section.

(C) Owner Occupied Units: Owner occupied qualifying units shall be available at an affordable housing sales price as defined in section 10-12-3 of this chapter.

(D) Very Low Income/Lower Income Units: Units shall be sold to very low or lower income households who shall occupy the units as their principal residence. The purchaser of each affordable housing unit shall execute an instrument or agreement approved by the city and to be recorded against the property, restricting the sale of the affordable housing units to very low and lower income households for a minimum of thirty (30) years.

(E) Moderate Income Units (Condominium Development): The initial sale of a unit within an affordable condominium development, as defined in section 1351 of the California Civil Code, shall be restricted to moderate income households. The owner shall occupy the unit and shall execute an instrument or agreement to be recorded against the property, which provides for equity sharing as set forth in Government Code section 65915 when and if the unit is sold. (Ord. 1653, 3-12-2013)

10-12-13: VIOLATION OF AFFORDABLE HOUSING COST REQUIREMENTS:

In the event it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in an affordable rental unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or to the city in the event the tenant cannot be located), any excess rent charges. In the event it is determined that a sales price in excess of that allowed by operation of this chapter has been charged to an income eligible household purchasing an affordable ownership unit, the city may take the appropriate legal action to recover, and the affordable residential unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any sales proceeds determined to be in excess of the affordable price. (Ord. 1653, 3-12-2013)

10-12-14: SEVERABILITY:

If any section, subsection, or clause of this chapter is declared unlawful, the remaining provisions shall remain in full force and effect. (Ord. 1653, 3-12-2013)