

ATTACHMENT 2 REDLINE COMPARISON

1.08.010 Posting of public notice.

Signal Hill City Hall, located at 2175 Cherry Avenue, Signal Hill, California 90755 is the designated public place for the posting of public notices, ordinances and all other official documents and papers or things required by this code or any other applicable law. Whenever this code or any other applicable law requires public notices, ordinances or other official documents and papers to be publicly posted, the public place or premise shall be Signal Hill City Hall in accordance with this section.

1.08.020 Service of notice.

Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given by: (A) personal delivery thereof to the person to be notified; (B) electronic delivery, meaning by email, facsimile or any other manner the city council designates via resolution as appropriate to transmit written information other than by personal delivery or mail; or (C) by deposit in the United States Mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public record of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed upon mailing. Service by electronic delivery shall be deemed effective at the time of delivery.

1.08.030 Proof of notice.

Proof of giving any notice may be made by the certificate of any officer or employee of the city, or by affidavit under penalty of perjury as provided by the California Code of Civil Procedure section 2015.5, of any person over the age of eighteen years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

1.12.030 Deposit of funds.

The city clerk shall pay to the city finance department all fees received which shall be deposited in the general fund.

2.32.020 Membership.

The parks and recreation commission shall consist of five members who shall each be a qualified elector of the city, as described in Section 2.32.040. If there are not enough eligible electors available to comprise the five-person commission, and at the option of the city council, a maximum of two ex officio nonvoting members may be selected as follows: one from school grades below the ninth grade, and one from school grades above the ninth grade, both students of the city.

2.32.030 Duties.

The parks and recreation commission shall act in an advisory capacity to the council and the Parks, Recreation and Library Services Director or their designee. It shall interpret to public officials and the general public the leisure-time needs, facilities, and services of the citizens of Signal Hill, in order that adequate support may be obtained for programs therefor. It shall recommend general policies concerning all parks and recreation properties, facilities, plans, programs, and activities. It may evaluate suggestions, criticisms, and comments in light of such policies. It may recommend a long-range program for the improvement, acquisition, and development of parks and recreation facilities and for the extension of services. The commission shall perform such additional duties as may be designated by the council by ordinance or resolution.

2.32.050 Terms.

The offices of the members of the parks and recreation commission shall be designated as offices one, two, three, four and five. The city council shall appoint a commissioner to fill each office. , The term of each office is for four years , with the expiration of such terms occurring on a rotating schedule, where offices three, four and five expire two (2) years after the expiration of offices one and two. Each member of the commission shall serve until his/her successor is appointed and qualified. Vacancies on the commission arising from any cause whatsoever shall be filled by appointment by the city council for the unexpired term. The ex-officio members shall serve for a term of one year.

2.36.020 Composition—Terms.

The offices of the planning commission shall be designated as offices one, two, three, four, and five. The city council shall appoint a commissioner to fill each office. . The term of each office is four years, with the expiration of such terms occurring on a rotating schedule, where offices one and two expire two (2) years after the expiration of office three, four and five. . Each member of the commission shall serve until his/her successor is appointed and qualified. Vacancies on the commission arising from any cause whatsoever shall be filled by appointment by the city council for the unexpired term.

2.88.020 Rules of conduct—Regulations.

A. The city manager or designee shall establish the rules of conduct for library patrons (rules) and all regulations to regulate disruptive behavior, noise, offensive odors, health and sanitation hazards, and possessions, materials, or objects brought into the library that are likely to interfere with its use by others. Such rules shall be formulated to ensure that the libraries and meeting facilities serve their primary purposes. In the case of libraries, these purposes include the provision of a quiet and orderly environment in which people may read, study, use library materials and equipment and contemplate. The rules shall not unreasonably or unfairly restrict access to the library by any person or group. The city manager or their designee may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

B. Rules for the use of the library shall be posted on the library's website and made available to the public at all public service desks. The rules will also be provided to

library cardholders at the time they initially obtain or renew a library card. Any person who violates the rules shall be advised of the violation and the rules' requirements and may be subject to enforcement and the penalties proscribed therein.

C. The city manager or their designee shall direct and control all affairs of the library. The city manager shall cause to be employed a library director, and authorize the library director to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the library director, assistants and employees shall have been fixed and approved by a majority of the members of the city council voting in favor thereof.

2.88.030 Violation of the rules of conduct—Penalties.

A. Any person who violates any of the rules may be required to leave the library and/or be subject to the suspension of their borrowing or library visitation privileges for a period not to exceed one year, as provided by the rules. Violations determined by the city manager or designee, to be serious, repeated, or egregious in nature, may result in enforcement up to and including permanent exclusion from the library. Actions described in subsection (C) of this section, may also result in enforcement up to and including permanent exclusion.

B. Notwithstanding subsection (A) of this section, any person who carries overdue library fines or who fails to timely return borrowed library materials shall be subject to the suspension of their borrowing privileges, until such time that all outstanding fines are paid and all borrowed materials are returned or paid for.

C. Any person who fails or refuses to leave the library or its immediate adjacent grounds after being given the requisite notice, warning and direction to leave, or who returns to the library or its immediate adjacent grounds during the period in which their library visitation privilege is suspended, shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

2.88.040 Appeals.

Any person subject to suspension of their borrowing or library visitation privileges or exclusion from the library as authorized by subsection (A) or (B) of section 2.88.030, may appeal the suspension or exclusion to a hearing officer by completing an appeal form, stating the basis of the appeal, and returning it to the city clerk's office within seven days of the start of the suspension or exclusion.

1. The city manager or their designee shall serve as the hearing officer for any appeal.

2. City staff shall submit a written report concerning the suspension or exclusion to the hearing officer, with a copy to the person requesting the hearing, within

ten business days of the city's receipt of the request for appeal. The hearing officer may request additional written or oral information from city staff or the recipient of the suspension or exclusion prior to issuing a written decision.

2.88.060 Free use—Rules and regulations.

A. Access to the library, its premises, resources and services established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the city, subject always to such rules and regulations as may be adopted or established by the city, and provided that, for violations of the same, a person may be fined or excluded from the privileges of the library as set forth herein.

B. Nothing mentioned herein shall prohibit the city from charging for the use of library premises, such as, but not limited to its study rooms and classrooms, for use by third parties.

Chapter 8.54 (Abandoned Shopping Carts)

8.54 "SHOPPING CART CONTROL"

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8.54.010 Purpose and intent.

The proliferation of lost, stolen, or abandoned shopping carts on public and private property causes blighting conditions in the community, results in the obstruction of free access to public and private sidewalks, streets, parking lots, and other ways, interferes with pedestrian and vehicular access on public and private streets, and impedes emergency services. Abandoned shopping carts also clog storm drain channels, reducing their ability to function properly, by trapping debris and trash and thereby creating flooding hazards. The purpose of this chapter is to set forth regulations to ensure that reasonable measures are taken by the owners and operators of businesses which provide shopping carts for the convenience of customers to either prevent the removal of shopping carts from business premises and parking lots, or provide for the prompt retrieval of lost, stolen, or abandoned shopping carts, to complement and supplement provisions of state law, and to adopt local regulations to the extent not otherwise preempted by state statute. This chapter may be cited as the "shopping cart ordinance."

8.54.010-8.54.020 Definitions.

The following definitions shall apply to this chapter:

- A. A. "Abandoned, lost, or stolen shopping cart" means ~~any unattended a~~ shopping cart ~~left on~~ which is either: (1) removed from the premises of a retail establishment by any person without the written permission or consent of the owner of the shopping cart or retailer otherwise entitled to possession of such cart; or (2) left unattended, discarded, or abandoned upon any public or private property ~~outside other than~~ the premises ~~or parking area~~ of the retail establishment ~~owning from which~~ the shopping cart. ~~Any such shopping cart shall be deemed to be abandoned and, therefore, a public nuisance, was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof either: (a) is the owner, or any employee or authorized agent of the owner, entitled to possession of said shopping cart, (b) is an officer, employee, or agent of a cart retrieval service hired by the owner to retrieve such shopping carts, (c) is an enforcement officer retrieving, storing, or disposing of said cart pursuant to this chapter. For the purposes provisions of this chapter, the parking area of a retail establishment located in a multistore complex, or shopping center, shall include the entire parking area used by the complex or center, or (d) has written permission or consent to be in possession of said shopping cart from the owner entitled to possession of said shopping cart.~~
- B. B. "Abatement of a shopping cart" means the removal by the city or its appointed contractor of an abandoned shopping cart. "Agent" means the person or persons designated by the shopping cart control plan who the owner of the shopping cart authorizes as the person(s) to perform or provide retrieval services on behalf of

the owner. The agent may be the owner if so designated in the city approved shopping cart control plan.

C. ~~C.~~ "City manager" means the city's city manager, city manager's designee, and/or authorized representatives of the city manager of Signal Hill California.

D. ~~D.~~ "Director" means the city's director of community development, director's City's Community Development Director, Director's designee, and/or authorized representatives representative of the director.

~~E. "Immediate safety hazard" means and includes, but is not limited to, the presence of a shopping cart in a location where it will impede emergency services or impose a hazard to vehicle traffic or pedestrians.~~

~~F. "Owner" means the owner or retail establishment whose name is required to appear on the shopping cart identification sign, as provided in Section 8.54.030.~~

~~G. "Parkway" means that area between the edge of the roadway and the property line adjacent thereto. "Parkway" shall also include any area within a roadway, which is not open to vehicular travel.~~

~~H. "Public property" means, and includes, but is not limited to, all areas dedicated to the public use for public street purposes, roadways, parkways, alleys, lanes, parks, sidewalks, flood control channels, and any public right-of-way.~~

E. "Enforcement personnel" means any police officer or code enforcement officer employed by the city.

F. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

G. "Laundry cart" means a basket which is mounted on wheels and used in a coin-operated laundry or drycleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

H. "Parking area" means a parking lot or other property provided by a retail establishment for the use of customers of said retail establishment for parking of customer vehicles. The parking area of a retail establishment located in a multi-store complex or shopping center shall include the entire parking area used by the multi-store complex or shopping center.

I. "Premises" means the entire area owned, occupied, and/or utilized by an owner which provides shopping carts for use by customers or other persons, including any parking lot or other property provided by or on behalf of the owner for customer parking use.

J. "Retail establishment" means any business located in the city which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale

business, and regardless of whether such business is open to the general public, or is a private club or business, or is a membership store.

K. ~~I.~~ "Shopping cart" or "cart" means a ~~nonmotorized~~ basket which is mounted on wheels, or a similar device, generally used in a retail ~~establishments~~ establishment by a customer for the purpose of transporting goods of any kind.

L. "Sidewalk" means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

M. "Street" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway.

8.54.020 Declaration of a public nuisance.

~~The city council makes the following findings and declarations: The presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public or private property is found to create a condition tending to reduce property values, impede emergency services, promote blight and deterioration, constitute an attractive nuisance creating a hazard to the health and safety of minors, aesthetically detrimental to the community, and injurious to the health, safety and general welfare. Therefore, the presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public or private property, is declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.~~

8.54.030 Identification of shopping carts Shopping cart control plans.

Every owner of a retail business establishment or other commercial use within the City that provides more than ten shopping carts for customer use shall prepare, submit, implement, and comply with the terms and conditions of a shopping cart control plan to prevent the unauthorized removal of any shopping cart from the owner's premises and, if removed, provide for the retrieval of the shopping cart within time periods set forth in this chapter. The owner shall have the obligation to provide a shopping cart control plan, in a written document, together with appropriate site plan, to the Director. The shopping cart control plan, at minimum, shall include the following:

A. ~~A.~~ Any retail establishment providing shopping carts to its customers shall, within ninety days following the effective date of the ordinance codified in this chapter, permanently affix to each shopping cart an identification sign of the type described in Section 22435.1 of the California Business and Professions Code, Shopping Cart Identification Required. Every shopping cart made available for use by customers shall have a sign permanently affixed to it that identifies the owner of the ~~shopping~~ cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the ~~shopping~~ cart from the premises; notifies the public that the unauthorized removal of the ~~shopping~~ cart from the premises or parking area of the retail establishment, or the unauthorized possession of the ~~shopping~~ cart, is a violation of state law and local law; and lists a valid telephone number or address for returning the ~~shopping~~ cart removed from the premises or parking area to the owner or retailer.

~~B. Removal of a shopping cart from the premises or the parking area of a retail establishment, or the unauthorized possession of a shopping cart, shall be punishable by imprisonment for up to ninety days or by fine as provided in Signal Hill Municipal Code Section 1.16.010C, or both.~~

- B. Notice to Customers. Written notice shall be provided to customers, in both English and Spanish, that removal of shopping carts from the premises is prohibited by state law. Such notice may be provided in the form of flyers distributed on the premises, warnings printed on shopping bags, direct mail, website notices, or any other means demonstrated to be effective. In addition, conspicuous signs shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by state law.
- C. Daily Cart Confinement. All shopping carts located on the premises of the retail establishment (other than an establishment open for business twenty-four hours per day) shall be collected at the end of each business day by employees of the retail establishment and shall be collectively confined in a secure manner at the cart containment area on the premises until the commencement of the next business day. All shopping carts located on the premises of any retail establishment open for business twenty-four hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the retail establishment and returned to the cart confinement area on the premises at least once per calendar day between the hours of nine p.m. and twelve a.m. on each day the retail establishment is open for business. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building.
- D. Employee Training. The owner of the retail establishment shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the cart containment plan and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.
- E. Retrieval Personnel. The owner shall provide personnel for purposes of the retrieval of lost, stolen, or abandoned shopping carts. Such personnel may be either employees of the business or one of more independent contractors hired by the owner to provide shopping cart retrieval services, or a combination of both. The cart retrieval plan shall either: (1) identify the number of employees who will be assigned such cart retrieval duties, the number of total hours per week that each assigned employee will perform such services (in addition to any on premises retrieval duties to which such employee may be assigned), and the training each of such personnel has received or will receive concerning the retrieval of lost, stolen, or abandoned shopping carts; or (2) include a copy of each contract with a cart retrieval service (other than confidential information which may be retracted from the contract). For purposes of this section, those persons identified in the cart retrieval plan as providing cart retrieval services, whether employees of the business or independent contract services, shall be referred to in this section as retrieval personnel. The owner shall provide written authorization to all retrieval personnel, which authorization shall be carried by each such person while performing cart retrieval services on behalf of the owner and shall be provided to any enforcement personnel upon request. Each vehicle used by retrieval personnel shall bear conspicuous signs on the vehicle identifying either the name

of the retail establishment for which such retrieval service is being performed or, if applicable, the name of the cart retrieval service with which the retail establishment has contracted for such services.

- F. Prompt Retrieval of Carts. The owner shall provide retrieval personnel in sufficient number to assure that all public streets within a minimum one-mile radius of the premises of the retail establishment are patrolled not less than every forty-eight hours, and all bus stops within a minimum one-mile radius of the retail establishment are patrolled not less often than every twenty-four hours, and each lost, stolen, or abandoned shopping cart owned or provided by the retail establishment which is found as a result of such patrols is immediately retrieved and removed from any public or private property upon which the cart is found. The cart retrieval plan shall identify the perimeter of streets and bus stops in which all streets within the perimeter area will be patrolled as required by this subsection; the manner, frequency, and times of such patrols; and the procedures to be employed by the retail establishment to identify and retrieve any lost, stolen, or abandoned shopping carts. The cart plan shall identify the number of trucks, hours of operation of the retrieval personnel, and such other information as reasonably required by the city to assure that the owner is devoting sufficient resources to cart retrieval operations to comply with the provisions of this section and the approved cart containment plan.
- G. Collaboration with Other Businesses. Two or more retail establishments located within the same shopping or retail center or sharing a common parking area may collaborate and submit a single cart containment plan.
- H. Owners of retail business establishments or other commercial uses within the city that provide more than ten shopping carts with an electronic locking system or other similar disabling/prevention device shall not be required to submit a shopping cart control plan and will not be subject to subsections A through G of this section. However, such business establishments will be required to provide retrieval personnel in sufficient number to assure that all public streets and bus stops within a minimum one-mile radius of the premises of the retail establishment are patrolled not less than every forty-eight hours.
- I. It is unlawful for the owner of any retail establishment that provides ten or more shopping carts to provide or offer any shopping carts for customers without an approved shopping cart plan as required by this chapter. Furthermore, it is unlawful for any owner of a retail establishment to conduct business contrary to the terms of an approved shopping cart plan.
- J. It is unlawful for any owner to provide any shopping cart for customer use that does not contain the signage required by this chapter.

8.54.040 Plan approval.

- A. All owners that provide ten or more shopping carts, except as noted above, shall submit a shopping cart control plan in compliance with this chapter to the Director.
- B. All new businesses established after the effective date of this chapter, except as noted above, must file a plan prior to issuance of a business license for that new business.

C. The Director may deny a plan based on any of the following grounds:

1. Implementation of the plan violates any provision of the building, zoning, health, safety, fire, police, or other provision of this code or any county, state, or federal law which substantially affects public health, welfare, or safety;
2. The plan fails to include all of the information required by this chapter;
3. The plan is insufficient or inadequate to prevent removal of shopping carts from the premises;
4. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to shopping cart retention and prevention efforts;
5. Implementation of the plan violates a term or condition of a plan or other requirement of this code;
6. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.

D. If the plan is rejected as incomplete or inadequate, the Director shall indicate areas of incompleteness or inadequacy, and the owner shall have an additional thirty days in which to resubmit a complete and adequate plan. An owner may appeal the decision of the Director as provided in Section 8.54.110.

E. An owner who fails to submit a complete plan to the satisfaction of the Director, or fails to implement approved plan measures will be subject to enforcement of these requirements through any lawful means available to the city, including without limitation institution of the administrative remedies process pursuant to Chapter 8.13.

8.54.040 Impoundment 8.54.050 Retrieval, storage and disposal of shopping carts ~~with identification signs.~~

- A. The City may immediately retrieve any lost, stolen, or abandoned shopping cart within the city where the location of the shopping cart will impede emergency services.
The impoundment procedures contained in this section shall apply only to shopping carts that have the identification sign required by Section 8.54.030.
- B. If the shopping cart has the name, address, telephone number, or other identifying marks of any retail establishment or person thereon, the city shall attempt to notify such establishment or person of the retrieval and location of the shopping cart and provide an opportunity for such establishment or person to establish ownership or

the right to possession of the retrieved shopping cart to the custodian. In addition, if the shopping cart was retrieved from private property, the city shall attempt to notify the owner or occupant, if any, of such property and provide an opportunity for such owner or occupant to establish ownership or the right to possession of the retrieved shopping cart to the custodian.

A. Any abandoned shopping cart may be impounded by the city at the owner's cost if, prior to said impoundment, the city provides to the owner or the owner's agent a minimum of three business days actual notice of the shopping cart's discovery and location. Notice may be given by any appropriate means, including by telephone. After said impoundment, the city shall notify either the owner of the shopping cart or the owner's agent, either by telephone or in writing, that the city has impounded the shopping cart and the address at which the shopping cart is then located. Any owner wishing to reclaim a shopping cart impounded pursuant to this subsection may appear during normal business hours at the applicable location and reclaim the shopping cart upon paying the fifty dollar fine authorized by Business and Professions Code Section 22435.7 subsection (f) (the "fine"), if applicable, and the city's actual costs incurred for impoundment and storage of the shopping cart. The fine shall only be required to be paid if the owner or the owner's agent fails to retrieve one or more shopping carts within the applicable three-day period on three separate occurrences within any six month period.

C. The City may immediately retrieve any lost, stolen or abandoned shopping cart within the city which shopping cart does not have the required identification affixed.

D. B. Any-The City may immediately retrieve any lost, stolen, or abandoned shopping cart may be immediately impounded by within the city which shopping cart has the required identification affixed thereto, provided that the city shall, provides notice to the owner of the shopping cart, or his or her agent within twenty-four hours of the shopping cart's impoundment, notify the owner or the owner's agent that the shopping cart has been impounded and the location at which the shopping cart was impounded. Any owner wishing to reclaim a shopping cart impounded pursuant to this subsection may appear during normal business hours within three business days of the date of notice at the location and times indicated in the notice and reclaim the shopping cart free of charge, unless the shopping cart was impounded pursuant to subsection C of this section. Any shopping cart reclaimed within the three-business-day period shall not be deemed an "occurrence" for the purposes of assessing the fine referred to in retrieval, unless such notice has been voluntarily waived by the owner or his or her agent.

E. Any shopping cart retrieved by the City shall be impounded and removed to the cart storage yard.

F. Any shopping cart impounded by the City shall be stored and disposed of as follows:

1. The public works personnel retrieving the shopping cart shall attach a tag thereto, or make a written report, identifying the date, time, and general

location where the shopping cart was removed as well as the name of the enforcement personnel who retrieved the shopping cart.

2. The shopping cart shall be delivered and custody thereof given to the custodian at the cart storage yard.

G. The shopping cart shall be released to any establishment or person who submits evidence satisfactory to the custodian to prove ownership or the right to possession of the shopping cart.

H. Notwithstanding subsection AD of this section, Any, where notice to the owner cannot be provided within twenty-four hours, any shopping cart not reclaimed within the three-business-day period by the owner within three business days following the date of actual notice shall be subject to any the applicable fee or fine imposed pursuant to subsection A of thi section removal and storage fees commencing on the fourth business day following the date of the notice. Notice of such fees shall be noted in the initial notice.

~~C. Notwithstanding anything contained in subsections A or B of this section, any abandoned shopping cart found in a location where it will impede emergency services or otherwise cause an immediate threat of danger to persons or property may be immediately impounded by the city. After said impoundment, the city shall, within twenty-four hours of the shopping cart's impoundment, notify the owner of the shopping cart or the owner's agent, in writing, that the city has impounded the shopping cart and the address at which the shopping cart is then located. Any owner wishing to reclaim a shopping cart impounded pursuant to this subsection may appear during normal business hours within three business days of the date of notice at the applicable location and reclaim the shopping cart upon paying the fine, if applicable, and the city's actual costs incurred for impoundment and storage of the shopping cart.~~

I. No fee shall be required in any instance where the owner or person entitled to possession of the shopping cart proves to the satisfaction of the custodian that said shopping cart was not a lost, stolen, or abandoned shopping cart within the meaning of this chapter.

~~8.54.050 Impoundment of shopping carts without identification signs.~~

~~The impoundment contained in this section shall apply only to shopping carts that do not have the identification sign required by Section 8.54.030.~~

~~Any abandoned shopping cart without an identification sign may be immediately impounded by the city at the owner's cost. Within forty-eight hours of said impoundment, the city shall attempt to notify the owner (if the identity of the owner is known), either by telephone or in writing, that the city has impounded the shopping cart and the location at which the shopping cart was impounded. Any owner wishing to recover a shopping cart impounded pursuant to this section may appear during normal business hours within thirty days of the date of the notice (or, if no notice is given because the identity of the owner is not known, within thirty days after impoundment) at the applicable location, and reclaim the shopping cart upon paying the city's actual costs incurred for impoundment and storage of the shopping cart.~~

8.54.060 Hearing.

~~Any owner of a shopping cart who has been charged a fee or fine to reclaim a shopping cart, shall be entitled to a hearing as to whether the fee or fine has been properly charged by providing to the city clerk a written request for a hearing within fifteen days of receipt of notice that the shopping cart has been impounded. The hearing shall be held not later than thirty days from the date of the hearing request and the owner shall be notified of the time, date, and location of the hearing. The city manager or his or her designee shall appoint a hearing officer. If the hearing officer determines that the city properly impounded the shopping cart and the owner has been charged the appropriate amount, the owner shall pay all costs associated with the administrative hearing and, if he or she desires to reclaim the shopping cart, pay any applicable fee and/or fine. If the hearing officer determines that the owner has been improperly charged a fee and/or fine, the owner shall be entitled to reclaim the shopping cart at an adjusted fee and/or fine or at no~~

8.54.070 Location of impounded shopping carts.

- J. Any shopping cart impounded by the city pursuant to this chapter shall be taken to a location as may be designated from time to time and which is both: (A) reasonably convenient to the owner of not reclaimed by the owner within thirty days of the date the cart was first removed shall be sold at public auction. If in the reasonable determination of the City's purchasing officer, the shopping cart; and (B) open for business at least six hours of each business day or part thereof has no resale value, it may be destroyed or sold as salvage.

8.54.060 Notice of removal and storage.

Upon the abatement, removal and storage of any shopping cart under this chapter, the city shall attempt to notify the owner of the shopping cart by sending a notice of abatement by first-class mail to the last known address of the owner or retailer as shown on the shopping cart. Such notice shall state substantially the following:

On (date), your shopping cart was found unattended on (private or public) property located at (address). Pursuant to the Signal Hill Municipal Code, unattended shopping carts are deemed to be a nuisance. The shopping cart is being stored at the [INSERT LOCATION]. You may retrieve your shopping cart by calling [INSERT] or personally appearing at City Hall (2175 Cherry Avenue, Signal Hill, CA 90755). You will be required to pay the city's costs for removing and storing the shopping cart prior to it being released into your possession. If you believe that the shopping cart was removed in error you may request a hearing by submitting a written request for such a hearing to the Director of Community Development at 2175 Cherry Avenue, Signal Hill, CA 90755. Such a request for hearing must be received by the city within 15 calendar days of the date of the notice. Failure to request a hearing within this time period shall result in a waiver of such hearing. The shopping cart will be sold or destroyed after 30 days of its removal if unclaimed. Shopping carts which have insufficient information to apprise the city of ownership of the retailer may be sold or destroyed after 30 days of removal without notice.

8.54.070 Agreements with owners.

Notwithstanding any other provision of this chapter to the contrary, nothing contained in this chapter shall be deemed to impose a requirement upon the city to provide advance notice to a shopping cart owner or retail establishment prior to the retrieval and impounding of a shopping cart to the extent the city and the owner or retail establishment have entered into an agreement which waives such requirement. The Director is hereby authorized to enter into such agreements on behalf of the City.

8.54.080 Fees.

Unless otherwise provided in this chapter, the fees to be charged for the removal and storage of shopping carts by the City shall be established by resolution of the City Council and shall not exceed the City's estimated reasonable cost for such removal and storage.

8.54.090 Fines for violations.

- A. Each method set forth herein is not intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. In addition to the payment of the city's costs, as set forth in Section 8.54.080, the owner of a shopping cart may also be subject to a fine in the maximum amount established by Business and Professions Code Section 22435.7(f), as may be amended from time to time, for each occurrence in excess of three during any six-month period for failure to retrieve identified carts in accordance with this chapter. An occurrence includes all identified carts impounded by the city or its authorized contractor in a one-day period.
- B. If more than six violations of the cart containment plan occur within a one-year period for failure to retrieve shopping carts, the Director may require that the owner employ electronic or other disabling devices so that shopping carts cannot be removed from the premises.

8.54.100 Modification or revocation of control plans.

An approved plan may be revoked by the director, or modified in lieu of revocation in the exercise of the director's sound discretion, upon any of the following occurrences:

- A. The owner is operating, or is permitting operation, of the retail business in violation of one or more provisions of the plan and has failed to correct such violations for a period of at least fifteen calendar days following date of receipt of written notification of such violation(s) from the city.
- B. The plan is inadequate to either reasonably prevent the removal of shopping carts from the premises, or reasonably ensure the prompt retrieval of written notification of such violation(s) from the city.
- C. The owner has failed to comply with any of the provisions of this chapter.
- D. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made. Upon determining the existence of any of the

grounds for revocation of a plan in accordance with this section, the director shall issue to the owner a notice of intended decision to revoke or modify the plan. The notice of intended decision shall include the following elements:

1. All the grounds upon which the revocation or modification is based;
2. Advise the owner that the revocation or modification shall become final unless the owner files a written request for hearing before the director within ten calendar days of the date of service of the notice of intended decision to revoke or modify the plan;
3. Specify the effective date of the revocation or modification of the plan.

8.54.110 Hearing.

If a hearing is requested in writing in accordance with this chapter, it shall be held within thirty calendar days of receipt of such request. The hearing shall be conducted by the Director. The director shall serve a notice of hearing on the owner at least ten days prior to the scheduled date of the hearing. The hearing officer shall conduct the hearing and receive evidence. The owner shall be given the opportunity to present witnesses and relevant documentary evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any and all evidence which the director or hearing officer deems reliable, relevant, and not unduly repetitious may be considered. The city shall have the burden of proving by a preponderance of the evidence that such removal was valid under this chapter. If the city fails to carry its burden, the shopping cart shall be released without the payment of the city's costs. The owner or agent may retrieve the cart anytime within thirty days of the date the cart was first removed. Retrieval of the shopping cart shall be the responsibility of the owner. The decision by the Director or hearing officer after hearing shall become final unless the owner files an appeal within the time period specified in Section 8.54.120 of this chapter.

8.54.120 Appeal.

Any person aggrieved by the findings and determination of the Director after a hearing under this chapter may, within ten days after notice thereof has been sent by mail to the owner, file a written request with the city clerk for a hearing by the City Council to review such decision. Upon the filing of such a request, the city clerk shall set such hearing and, unless waived in writing by such person, shall serve a notice of the time and place thereof by mail to the person making such request at the address shown in city records at least fifteen days in advance of such hearing. The city council may affirm, affirm with conditions or deny the appeal of the decision of the director and such decision of the city council shall be final and conclusive.

8.54.080 Disposition of impounded 8.54.130 Unauthorized use of shopping carts prohibited.

~~The city shall be permitted to destroy, sell at public auction, or otherwise dispose of any shopping cart or part thereof, impounded by the city pursuant to this chapter and deemed~~

~~to be permanently abandoned, which includes but is not limited to the following circumstances:~~

~~A. The shopping cart does not have the identification sign required by Section 8.54.030 or other information that identifies the owner, or the city is unable to locate the owner with reasonable diligence;~~

~~B. If the owner has not requested a hearing, the owner of the shopping cart or the owner's agent has failed to reclaim the shopping cart from the city within thirty days of receipt of notice that the shopping cart was impounded by the city; or~~

~~C. If the owner has requested a hearing, the owner or owners agent has failed to reclaim the shopping cart from the city within thirty days of the hearing date; or~~

~~D. The director determines that the shopping cart is inoperable, unsafe, or that the cost to repair exceeds the value of the shopping cart. In such case, the shopping cart or parts thereof may be destroyed without providing the appeal hearing provided in Section 8.54.060, but the director shall give notice of this action to the owner, if the same can be determined. The owner shall not be liable for any cost for removal and abatement in such case.~~

It is unlawful to do any of the following acts, if a shopping cart or laundry cart has a permanently affixed sign as provided in Section 8.54.030(A):

~~8.54.090 Sale of abandoned shopping carts.~~

~~If the city determines to sell any shopping cart deemed to be permanently abandoned pursuant to Section 8.54.080, the city shall advertise the sale at a time convenient to the city. Notice of such sale, including the time and place, shall be posted in three conspicuous places within the city. Ten days after posting such notice, such shopping carts may be sold and delivered to the highest bidder free and clear of any claims of the owner thereof. The proceeds of such sale shall be distributed to the city.~~

~~8.54.100 Removal from premises prohibited.~~

A. A-Removal. No person shall remove any shopping cart or laundry cart from the premises or parking area of any retail business establishment. ~~This section shall not apply to the removal by the owner or agent or an employee of the retail establishment, or to the removal by a customer with the written consent of the owner, owner's manager, or authorized agent. with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.~~

B. B-Possession. No person shall have in his or her possession any shopping cart which or laundry cart that has either been removed from the premises or parking area of any business establishment or is not located on the premises or parking lot of a retail establishment ~~without the owner's written consent or which has been abandoned or left on public or private property unless such person has notified the city of the presence and location of such shopping, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.~~

C. Serial Numbers. No person shall have in his or her possession any shopping cart or laundry cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart. In addition, no person shall alter, convert, or tamper with a shopping cart or laundry cart, or remove any part or portion thereto, or remove, obliterate or alter serial numbers on a shopping cart or laundry cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

~~8.54.110 Abandonment prohibited.~~

D. Abandonment. No person shall abandon or leave any shopping cart ~~which has been removed from or~~ laundry cart at a location other than the premises or parking area of ~~any the~~ retail establishment ~~upon any public or private property except that of with the intent to temporarily or permanently deprive~~ the owner ~~or retailer of possession~~ of the shopping cart.

E. This section shall not apply to the owner of a shopping cart or laundry cart or to a retailer, or to the agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart or laundry cart or a retailer to be in possession of the shopping cart or laundry cart or to remove the shopping cart or laundry cart from the premises or the parking area of the retail establishment.

8.54.140 Shopping carts prohibited on public sidewalks, streets, highways and in public parks and playgrounds.

A. Public Right-of-Way. No person shall operate, maintain, or possess a shopping cart or laundry cart on any public sidewalk, public street, or highway, whether or not the cart has a permanently affixed sign as provided in Section 8.54.030(A).

~~8.54.120 Owner's responsibility to prevent littering.~~

~~The action of an owner or owner's agent or employee to permit any shopping cart to be removed from the premises or parking area of any retail establishment shall be considered littering by the owner, unless such action is the written consent provided in Section 8.54.100.~~

~~8.54.130 Shopping cart collection services may be permitted by city appointed contractor.~~

~~The city may contract with a shopping cart retrieval service for the retrieval and impoundment of shopping carts or any other related service described in this chapter.~~

~~8.54.140 Administration and enforcement.~~

~~Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the city manager. In the enforcement of this chapter, the city manager, or designee, may enter onto public or private property to examine a shopping cart or parts thereof, or to obtain information to identify the owner of the shopping cart and to order, pursuant to this chapter, the abatement and impoundment of the shopping cart, or parts thereof, declared to be a nuisance. Notwithstanding the foregoing, the director shall perform the day to day administration of this chapter.~~

8.54.150 ~~Exemptions~~ Penalties.

- A. It is hereby declared to be a public nuisance for unattended shopping carts to be located on either public property or on private property without the owner's consent. Any retail establishment in the city that maintains, or allows to be maintained, shopping carts contrary to, and in violation of, the provisions of this chapter, is hereby declared to be a public nuisance. Any violation may be abated by the city through civil proceedings by means of a restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances. Any person who violates any of the provisions of this chapter shall be responsible for the city's reasonable attorney fees and legal costs associated with the abatement.

~~The city manager may exempt a shopping cart owner from some or all of the provisions of this chapter if the shopping cart owner has implemented a plan whereby employees provide shopping cart retrieval, or where the shopping cart owner has entered into a contract with a shopping cart retrieval service and has provided the city with proof of such retrieval plan or contract; provided that such plan or contract shall provide that carts will be retrieved within seventy-two hours after abandonment and shall contain appropriate enforcement mechanisms. If an approved plan or contract fails to retrieve carts within seventy-two hours, the city manager may revoke such approval. Such revocation shall subject the shopping cart owner to the provisions of this chapter.~~

- B. Violations of this section and/or this chapter shall be punishable as provided in Chapter 1.16 and/or Chapter 8.13 Neither remedy shall be exclusive of the other, nor of any other remedy available to the city at law or equity. Each day of violation of any provision of this chapter shall be a new and separate violation.

9.08.010 Acts prohibited in public parks and enclosures – Permits required for certain acts.

It is unlawful for any person or persons, corporation, partnership, association, society or any organization as principal, agent, employee, or otherwise, to do, to aid in doing, or cause or permit to be done, any of the acts enumerated in this section within the limits of any public park, building, enclosure or other public property, in the city:

A. Animals and Fowl. To permit or allow the presence of any animal or fowl, except leashed domestic dogs in compliance with Section 6.04.010(A)(4), or except where the Parks, Recreation, and Library Services Director, or their designee, has granted a permit to allow specified animals. If such permit is granted, it must be in the possession of the permit holder while on the public premises with the animal;

B. Interference with Public Equipment/ Facilities. To cut, break, injure, deface or disturb any rock, building, monument, sign, fence, bench, structure, apparatus, equipment or other property; mark or place thereon, or on any portion thereof, any mark, writing or printing; attach thereto any sign, card, display or other similar device; dig remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, or remove any wood, turf, grass, soil, rock, sand or gravel. This subsection

(B) shall not apply to a duly authorized city employee or city contractor in performance of their duties;

C. Bathing and Pollution of Waters. To swim, bathe, wade, fish, or pollute the water of any reservoir, fountain, pond, lake, or stream, except in those places set apart for public bathing. The Public Works Director or their designee is authorized to place and maintain, or cause to be placed and maintained, signs designating such public bathing places;

D. Fire. To bring on, use or possess any portable barbecue, grill, smoker, cooking equipment, apparatus, fire pit or hibachi, which uses charcoal or other incendiary material for fuel, except in those barbecues specifically provided by the city for that purpose, or except where the Parks, Recreation, and Library Services Director, or their designee, has granted a permit to allow such use. If such a permit is granted, it must be in the possession of the permit holder while on the public premises;

E. Vehicles and Animals. To drive any vehicle or animal, except on the regular driveways or paths provided for such purposes; or to hitch or fasten any animal except at places so provided;

F. Vehicle Operation and Signs. To operate any vehicle over or upon any driveway at a greater speed than fifteen miles per hour. The Public Works Director, or their designee, shall erect signs on the driveways entering all public parks within the city, which signs shall be placed on the right-hand side of such driveways looking toward said parks and at a height not less than four nor more than ten feet from the ground, which signs shall correspond to the signs designated in Section 38285 of the California Vehicle Code, or any amendment thereto;

G. Transporting Goods. To drive any dray, truck, wagon, cart, or other traffic vehicle carrying or regularly used or employed in carrying goods, wares, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce, or any offensive article or material whatsoever over the parks or roads or driveways therein, except when delivering any material to, or within, or removing from, any public park or other public property within the city by authority or under direction of the city manager, Public Works Director, or the Parks, Recreation, and Library Services Director, or any of their designees;

H. Sale of Goods. Sidewalk vendors, as that term is defined in Section 5.06.020 of this code, vending in city parks without meeting the applicable requirements of Chapter 5.06;

I. Posting of Signs and Notices. To erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix any card, decoration, poster or sign on any lamp post, utility pole, traffic control sign or signal, curbstone, bench, hydrant, wall, sidewalk, bridge, tree, fence, building or structure owned or controlled by the city, unless one has first secured a written approval or permit from the Parks, Recreation, and Library Services Director, or Public Works Director, or either of their designees, or has secured

authorization by City Council resolution. Duly authorized city officers or employees and contractors with the city, State Government or Federal Government acting to promote the purposes of that contract shall be exempt from this division;

J. Organized Sports Games and Practices. To play or engage in any organized sports game, organized sports practice, or organized fitness activity ;, or to use/wear shoes with cleats on any field or turf area, or to “mark” or designate fields, public parks, or other public spaces by the use of cones, delineators, chalk or other means within any public park or other public property in the city, including the public right-of way, unless one has first secured a written permit from the Parks, Recreation, and Library Services Director, or their designee.

1. “Public Right-of-way” is defined for the purposes of this section as any public highway, public street or alley, public place in the city, either owned by the city or dedicated to the public for the purposes of travel. The term “public right-of-way” includes all or any part of the entire width of right-of-way, and above and below the same, whether or not such entire area is actually used for travel purposes.

2. “Organized sports game” is defined for the purposes of this section as any game or competition held in connection with a formal or informal league or tournament. “Organized sports practice” is defined for the purposes of this section as any formal practice, training or instruction in any sport or game, conducted by a coach or other person, for the purpose of competing in an organized sports game. “Organized fitness activity” is defined for the purposes of this section as any organized exercise or physical fitness activity, conducted by an instructor or other person, for which the other person is compensated by the participant(s).

K. Littering. To throw, deposit, or place any bottles, tin cans, broken glass, papers, clothes, iron, or any rubbish or refuse anywhere, except in receptacles furnished for that purpose;

L. Hours of Operation/Hours of Overnight Closure. To remain, stay or loiter about any public park, building or enclosure, or other public property between the hours of 10:00 p.m. and 5:00 a.m., or during the posted time in which any public park, building, enclosure or other public property is closed to the public. Hours of operation for public parks shall be between the hours of 5:00 a.m. to 10:00 p.m., unless otherwise approved by the Parks, Recreation, and Library Services Director.

M. Group Picnics and Events. For any group, public or private, of more than twenty-five persons to hold or conduct a picnic, celebration, service, or event (other than a special event as defined in subsection P of this section) without a written permit from the Parks, Recreation, and Library Services Director, or their designee;

N. Jumpers and Bounce Houses. To place, provide or operate any inflatable play apparatus, such as jumpers, bounce houses, or other similar inflatable structures

without a written permit from the Parks, Recreation, and Library Services Director, or their designee;

O. Noise. To willfully play any musical instrument or any electrically amplified music or sound in a manner which will disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity, except in those areas designated and approved for performances and with a written permit from the Community Services Director, or their designee;

P. Special Events. To conduct or cause to be conducted, participate or engage in, hold, manage, permit or allow another to conduct a special event on such public property, or any event on private property that is open to the public, and which is sufficiently large as to affect or impact adjacent public right-of-way or public property, without first having obtained a written permit from the City Manager, or their designee. "Special event" is defined for the purposes of this section as follows:

1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the city which does not comply with applicable traffic regulations, laws or controls; or

2. Any organized or assemblage of fifty or more persons at any public place, property, or facility which is to gather for a common purpose under the direction or control of a person or persons; or

3. Any other organized activity involving fifty or more persons conducted by a person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, public property or facilities and which may require the provision of city public services in response thereto.
4. Examples of such events include, but are not limited to, concerts, parades, circuses, fairs, festivals, street fairs, community events, mass participation sports (such as marathons and other running events, or running practices), athletic or sporting events, and community celebrations and observances conducted on public property or public rights-of-way.

Q. Smoking. To smoke within the limits of any public park, public building, enclosed public place, and all locations identified in Section 104495 of the California Health and Safety Code. This subsection (Q) shall also apply to an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building. This subsection shall not apply to any paved public sidewalk immediately abutting the boundary of a public park. No person shall dispose of any cigarette, cigar, electronic cigarette or other tobacco product or any part of a cigarette, cigar or electronic cigarette or other tobacco product in a public park, including cigarette or cigar butts or ashes or substances used with an electronic cigarette or used matches, in any location where smoking is prohibited in this subsection, except in a designated waste disposal container.

1. For purposes of this section:

a. "Smoke" or "smoking" shall mean and include the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting, burning, inhaling or exhaling of the smoke of a pipe, cigar, or cigarette of any kind. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking. This definition includes the smoking of cannabis or cannabis products as these terms are defined in Chapter 1 of Division 10 of the California Health and Safety Code.

b. "Park" shall mean any park, playground, or public open space as these terms are defined elsewhere in this code. This term includes pocket parks, neighborhood parks, and community parks.

c. "Public Place" shall mean any enclosed public place within an establishment where smoking is prohibited by law, in which the public is permitted, including, without limitation, public restrooms, elevators, stairwells and parking facilities, to the extent not otherwise governed by or exempted from California Labor Code Section 6404.5 and California Health and Safety Code Section 118875, et seq. A private residence is not a "public place"; however, an elevator in a residential building shall constitute a public place.

d. "Public building" shall mean a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California community college district.

Chapter 9.64 – ADULT ORIENTED BUSINESSES

9.64.010	Purpose.
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9.64.030	Adult Oriented Business Permit required; sex clubs prohibited.
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9.64.080	Inspections.
9.64.090	Enforcement and revocation.
9.64.100	Violations and Penalties.
9.64.010	Purpose.

- A. The intent of this chapter is to regulate adult oriented businesses which, because of their very nature, are believed to have significant adverse secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of the adult oriented businesses; higher crime rates; noise; debris or vandalism in the vicinity of adult oriented businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. This chapter is also intended to regulate adult oriented business performers in order to: (1) protect minors by requiring all performers be above the age of 18 years; (2) assure the correct identification of persons performing in adult businesses; (3) enable the City to deploy law enforcement resources effectively; and (4) detect and deter the involvement of human trafficking or other crimes in adult oriented businesses.
- B. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods near the adult oriented businesses. It is neither the intent, nor effect of this chapter to invade the privacy of performers or to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent, nor effect of this chapter to restrict or deny access by adults to sexually oriented materials or merchandise protected by the First Amendment, or to deny access by the distributors or exhibitors of adult oriented businesses to their intended market.
- C. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

9.64.020 Definitions.

For the purpose of carrying out the intent of this chapter, words, phrases and terms shall be deemed to have the meaning ascribed to them in this section; if not specifically defined in this section, words, phrases and terms in this chapter shall be deemed to have their normal and generally accepted meaning.

- A. "Adult bookstore" means any establishment, which as a regular and substantial course of conduct, displays and/or distributes sexually oriented material and/or merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts. (See "Adult oriented business" for definition of regular and substantial portion of its business.)
- B. "Adult cabaret" means a nightclub, bar, lounge, restaurant, gentlemen's club, topless bar or similar establishment or concern which features, as a regular and

substantial course of conduct, any type of live entertainment, striptease, topless or nude dancing, lap dancing, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

- C. "Adult hotel/motel" means a motel, hotel or similar commercial establishment which:
1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical parts and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television
 2. Offers a sleeping room for rent for a period of time less than ten hours; or
 3. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.
- D. "Adult model studio" means any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed or videotaped for a fee, or any other thing of value, as a consideration, compensation or gratuity for the right or opportunity to so observe the model or remain on the premises. "Adult model studio" shall not include any live art class or any studio or classroom, which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section 94800 et seq. of the California Education Code.
- E. "Adult oriented business" means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult cabaret, adult model studio or adult hotel/motel; any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts.

- F. "Adult oriented business" does not include those uses or activities, the regulation of which is preempted by state law. "Adult oriented business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses or employees to appear in any place in attire which does not opaquely cover specified anatomical parts. For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:
1. The area devoted to sexually oriented merchandise and/or sexually oriented material exceeds more than ten percent, or two hundred fifty square feet, whichever is less, of the total display or floor space area open to the public;
 2. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least six times in any month in any given year;
 3. The business establishment or concern obtains a significant or substantial portion of its revenues from the sale, rental or lease of entertainment, material or merchandise characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts or advertises the availability of the same; or
 4. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display or presentation of services, products or entertainment which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.
- G. "Adult theater" means a business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.
- H. "Director" means director of community development for the city or his or her designee, unless specified otherwise.
- I. "License holder" means the person issued a valid adult oriented business performer license.
- J. "Live art class" means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing or sculpting of live models exposing specified anatomical parts; instruction is offered

in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and preregistration is required at least twenty-four hours in advance of participation in the class.

- K. "Performer" means a person who is an employee or independent contractor of an adult oriented business or any other person who, with or without compensation or other form of consideration, provides adult live entertainment for patrons of an adult oriented business. For the purpose of this section, "adult live entertainment" includes the participation in any live performance depicting "specified anatomical areas," as defined in this section.
- L. "Permittee" or "permit holder" means the person or persons issued a valid business permit. The permittee shall be the owner of the real property where the business is located, except that an adult oriented business permit may be issued to, in addition to the property owner, any person who performs any part of the management or operation of the adult oriented business on a regular basis.
- M. "Sex club" means any establishment not primarily dedicated to providing overnight lodging accommodations, including a private club, which as a regular and substantial course of conduct permits persons to engage in specified sexual activities in any public or semipublic portion of the establishment or which provides any private room to persons more than once in a twenty-hour period in which persons are permitted to engage in specified sexual activities. For the purpose of this section, a "public or semipublic portion of an establishment" shall mean any portion of the establishment in which invitees of the establishment are permitted access and which is not let, leased or rented more than once in a twenty-hour period to persons who are entitled to exclusive use of the room. The above notwithstanding, a "sex club" is also any place which represents itself to any person or group of persons as a place for persons to engage in specified sexual activities.
- N. "Sexually oriented material" means any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture, film, video, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.
- O. "Sexually oriented merchandise" means sexually oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.
- P. "Specified anatomical parts" means:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; or female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Q. "Specified sexual activities" means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral/anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia;
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being;
7. Human excretion, urination, menstruation, vaginal or anal irrigation; and
8. Striptease, stripping, topless or nude dancing or the removal of clothing to the point where specified anatomical parts are not opaquely covered.

9.64.030 Adult Oriented Business Permit required; Sex clubs prohibited.

- A. No adult oriented business shall be permitted to operate, engage in, conduct or carry on business within the city unless the owner of the business first obtains both an adult oriented business permit and a business license from the City of Signal Hill.
- B. In addition to all new businesses, this chapter shall apply to any adult oriented business currently operating, engaging in, conducting or carrying on business within the city as of the time this chapter is adopted. The director shall process any applications submitted. If the permit is denied, the applicant may appeal the denial

in the manner provided in Section 9.64.075 of the Signal Hill Municipal Code, and the appeal shall be noticed, heard and decided as provided therein.

- C. Notwithstanding any other provision of this chapter, sex clubs, as defined in Section 9.64.020, are prohibited.

9.64.035 Adult Oriented Business Performer License Required.

A. It is unlawful for any person to be employed, hired, engaged, or otherwise retained by an adult oriented business as a performer without first obtaining an adult oriented business performer license from the City. The director shall process any applications submitted. If the license is denied, the applicant may appeal the denial in the manner provided in Section 9.64.075 of the Signal Hill Municipal Code, and the appeal shall be noticed, heard and decided as provided therein.

9.64.040 Adult Oriented Business Permit Application requirements.

- A. Only the property owner is eligible to request an adult oriented business permit, except that an adult oriented business permit may be issued to, in addition to the property owner, any person who performs any part of the management or operation of the adult oriented business on a regular basis.
- B. In addition to any other information requested by the director reasonably related to processing the permit application, the following information is required at the time an adult oriented business permit is submitted to the community development department:
 - 1. A completed, notarized adult oriented business permit application signed by all property owners, or if any property owner is not an individual, signed by legal representatives of the owners;
 - 2. A deposit of two thousand five hundred dollars or other sum as set forth by ordinance or resolution of the city council, from which the city shall deduct the actual and reasonable administrative costs associated with reviewing and processing the application;
 - 3. A sketch or diagram showing the complete interior configuration of the business, including without limitation the location of the restrooms, manager's station(s), any stages or booths, and the floor level illumination. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;
 - 4. A sketch or diagram of the lot or parcel on which the business will be located showing the complete configuration of the lot or parcel, including without limitation the lay-out of all buildings, off-street parking, walkways and the primary and any secondary entrances to the interior premises of the

business, required security systems, any stage for performances, patron seating and the ground level illumination,

5. Whether or not alcoholic beverages will be sold or served;
6. A letter of justification describing the proposed project and explaining how it will comply with the findings and criteria contained in Section 9.64.050; and
7. A security plan to be reviewed by the chief of police.

9.64.045 Adult Oriented Business Performer License Application requirements.

- A. Performer license applicants shall submit in person a written, signed, and verified application or renewal application on a form provided by the director, and shall include the following information:
 1. The license applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;
 2. The current residential address and telephone number of the applicant;
 3. Age, date, and place of birth;
 4. Driver's license or identification number and state of issuance;
 5. The present and/or proposed business address(es) and telephone number(s) of the establishments at which the applicant intends to work;
 6. All criminal convictions within five years immediately preceding the date of application, including those dismissed pursuant to Penal Code section 1203.4, except traffic, and the dates and places of the convictions.
- B. The information provided in subsection (A) of this section which is personal, private, confidential, or the disclosure of which could expose the applicant to the risk of harm will not be disclosed under the California Public Records Act. Such information includes, but is not limited to, the applicant's residence address, telephone number, date of birth and age, driver's license, and identification number. The City Council, in adopting the application and licensing system set forth herein has determined in accordance with Government Code Section 6205 *et. seq.* that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this chapter by ensuring that the applicant's privacy, confidentiality or security interest are protected. The City Clerk shall cause the same to be redacted from any copy of a completed application form made available to any member of the public, the above mentioned information.
- C. The completed application shall be accompanied by a non-refundable application fee and an annual license fee. The amount of such fees shall be as set forth in the schedule of fees established by resolution from time to time by the City Council.

- D. The completeness of an application shall be determined within five (5) business days by the director. The director must be available during normal working hours Monday through Friday to accept adult business performer applications. If the director determines that the application is incomplete, the director shall immediately inform the applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Upon receipt of a completed adult oriented business performer license application and payment of the license fee specified in subsection (C) of this section, the director shall immediately issue a temporary license which shall expire of its own accord thirty (30) business days from the date of issuance and shall only be extended with the written approval of the director.
- E. Upon submission of a completed application, the director, in conjunction with the chief of police or their designee, shall investigate the information contained in the application to determine whether the license applicant should be issued a license. The decision to grant or deny a license will be made within thirty (30) business days from the date the temporary license was issued, and shall state the reasons for a denial or approval of the license.
- F. The director shall grant an adult oriented business performer license unless he or she finds at least one of the following conditions present:
 - 1. The license applicant has made a false, misleading, or fraudulent statement of material fact in the application;
 - 2. The license applicant is under 18 years of age; or
 - 3. The applicant has been convicted of any offense involving sexual crimes against children, sexual battery or abuse, rape, distribution of material harmful to minors, pandering or lewd conduct, including but not limited to, the violation of any crime requiring registration as a sex offender under California Penal Code Section 290.

9.64.050 Findings and criteria.

- A. The director of community development shall issue an adult oriented business permit within thirty days of receipt of a complete application if he/she finds that the plans and application information assures that the adult oriented business will provide and comply with all of the following, and shall deny the permit if he/she finds that the plans and application information evidence that the adult oriented business will not provide or comply with any of the following:
 - 1. The adult oriented business shall be located in the city's CG (General Commercial) or GI (General Industrial) zoning district.
 - 2. The adult oriented business shall not be located within one thousand feet of any residential zone.

3. The adult oriented business shall not be located within five hundred feet of any lot upon which there is properly located a public park or school or within five hundred feet of any lot used by a religious institution for religious activities at least three times per week.
4. The adult oriented business shall not be located within one thousand feet of another adult oriented business.
5. The adult oriented business shall not be located on any property fronting upon a major highway as defined in the general plan of the City of Signal Hill. For the purpose of this chapter, a property fronts on such a highway if any portion of the property and any portion of the right-of-way for the road have a contiguous boundary.
6. The minimum parking requirements for adult oriented businesses shall be as follows:

Business Type	Parking Requirements
Theaters	1 parking space / 3 seats
Retail establishments	1 parking space / 250 sq. ft. of gross floor area
Adult Cabarets	1 parking space / 100 sq. ft. of gross floor area
Motel/Hotel	1 parking space / guest room

If the director finds that any specific use or mix of uses necessitates additional parking, the director may increase the number of parking spaces reasonably needed to accommodate the demand for parking, pursuant to Chapter 20.70 of the Signal Hill Municipal Code⁷. The adult oriented business shall not be located completely or partially within any mobile structure or pushcart.

8. The adult oriented business shall not stage any special events, promotions, festivals, concerts or similar events which would increase the demand for parking beyond the approved number of spaces for the particular use.
9. The adult oriented business shall not conduct any massage, tattooing or acupuncture on the premises or operate escort services from the premises.
10. The adult oriented business shall provide a security system that visually records and monitors parking lot areas. All indoor areas of the adult oriented

business which are accessible to the public shall be open to public view at all times with the exception of restroom facilities. "Accessible to the public" shall include but not be limited to those areas which are only accessible to members of the public who pay a fee and/or join a private club or organization.

11. The adult oriented business complies with the city's sign regulations.
12. The adult oriented business complies with the development and design requirements of the zone in which it is to be located.
13. The adult oriented business shall not display any sexually oriented material or sexually oriented merchandise, which would be visible from any location other than from within the adult oriented business.
14. The adult oriented business shall not allow admittance to any person under the age of eighteen if no liquor is served, or under the age of twenty-one if liquor is served.
15. With the exclusion of an adult hotel/motel, the adult oriented business shall not operate between the hours of 2:00 a.m. and 9:00 a.m.
16. Neither the applicant, if an individual, nor any of the officers or general partners, if a corporation or partnership, of the adult oriented business has been found guilty within the past two years of a misdemeanor or felony classified by the state oriented business permit or similar permit or license in any city, county, territory or state.
17. The adult oriented business shall provide separate restroom facilities for male and female patrons. Access to restrooms for patron use shall not require passage through an area used as a dressing or private area by performers.
18. All areas of the adult oriented business shall be illuminated at a minimum of 1.25 foot-candles, minimally maintained and evenly distributed at ground level.
19. The individual viewing areas of the adult oriented business shall be operated and maintained with no holes, openings or other means of direct visual or physical access between the interior space of two or more individual viewing areas.
20. No building, premises, structure or other facility shall be permitted to contain more than one type of adult oriented business as such types of adult oriented business are defined in Section 9.64.020. For the purposes of this section, the catch-all phrase "adult oriented business" shall not be considered a single type of adult oriented business.

21. No more than one person may occupy any seat or individual viewing area at any one time.
 22. At least one on-site manager shall be on the premises to act as manager at all times during which the business is open. No performer may serve as the manager. The individual(s) designated as the on-site manager shall provide their name to the director to receive all complaints and be given by the owner and/or operator the responsibility and duty to address and immediately resolve all violations taking place on the premises.
 22. At least one security guard shall be on duty patrolling the grounds and interior areas of the adult oriented business at all times the business is open to the public. All security guards shall be readily identifiable as a security guard. For all adult oriented businesses providing live entertainment, an additional security guard will be required per fifty patrons, based on the maximum capacity of the business.
- B. The applicant for an adult oriented business shall prepare a "Security Plan" for review by the chief of police, which shall indicate the location of all surveillance cameras and equipment, the identity of the person or persons to be responsible for providing security, the security measures to be taken for all doors and windows, and other information reasonably requested by the chief of police. Applications for an adult oriented business shall not be deemed complete until after the chief of police acknowledges that the security plan is complete in all respects.
 - C. Once a completed application is submitted, approval of an adult oriented business permit is a ministerial action. Public notice shall not be given and there shall be no public hearings regarding the approval or denial of the permit. The director shall deny the requested permit if he or she determines that the applicant cannot adequately show that all of the above findings and criteria will be met. Otherwise, the director shall approve the permit. If the city fails to take action on a completed application within sixty days, the application shall be deemed approved.
 - D. The distances of separation from an adult oriented business to a sensitive land use, as described in paragraph A(2)-(4), shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the adult oriented business shall be located to the nearest property line of the lot upon which is located the other applicable land use.

9.64.060 Permit and License Duration and Renewal.

- A. An adult oriented business permit shall be valid for a period of twelve months from the date of issuance. The permit holder shall file a complete renewal application at least thirty (30) days before the expiration date of the permit. The director shall approve the renewal application provided the business is operated in conformance with this chapter and has cured any issues of noncompliance provided by the

results of an inspection pursuant to Section 9.64.080. The director's denial of a renewal application is appealable pursuant to the provisions of Section 9.64.075.

- B. An adult oriented business performer license, other than the temporary license, shall expire twelve months from the date of issuance and may be renewed only by filing in person with the director a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed. If the application conforms to the previously approved application and there has been no change with respect to the license holder being convicted of any crime classified by this or any other state as a sex-related offense, the director shall renew the license for one year. The request for renewal shall be made at least 30 days before the expiration date of the license. Applications for renewal shall be acted upon as provided herein for action upon applications for license. The director's denial of a renewal application is appealable pursuant to the provisions of Section 9.64.075.

9.64.070 Permits are Nontransferable and Use Specific.

No adult oriented business permit may be sold, transferred or assigned by any permit holder, or by operation of law, to any other person, group, partnership, corporation or any other entity. An such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of the permit and the permit shall be thereafter null and void. An adult oriented business permit held by a corporation or partnership is subject to the same rules of transferability as contained above. Any proposed transferee shall reapply under this chapter and shall obtain its own permit thereunder. Any increase in the scope of the business or its activities, or any change in the nature or composition of the adult oriented business from one element of an adult oriented business to another element of an adult oriented business, shall also render the permit null and void. An adult oriented business permit shall only be valid for the exact location specified on the permit.

9.64.075 Appeals.

- A. Upon any permit or license required by this chapter being denied, suspended, revoked, or denied for renewal, as specified in this chapter, the applicant or permit/license holder may appeal the decision to a hearing officer by completing an appeal form, stating the basis of the appeal, and returning it to the city clerk's office within seven days of the decision.
- B. When a timely appeal is filed, the city manager or his or her designee shall appoint a hearing officer to conduct a hearing on the matter. The hearing officer may be such person or body designated by the city manager to perform all or a portion of his or her duties, or may be another official or body from another city or agency, or other person qualified to conduct a review of the matter.
- C. The hearing shall take place within ten business days of the receipt of the appeal; the hearing for an appeal for suspension or revocation of a permit shall take place within 20 business days of the date of the receipt of the appeal. All parties involved shall have the right to offer testimonial, documentary and tangible evidence

bearing on the issues; and may be represented by counsel. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

- D. The hearing officer shall render a written decision within five business days of the close of the hearing on the appeal.
- E. All decisions made by the appointed hearing officer regarding the denial, denial of renewal, suspension, or revocation of a permit or license shall be final. If the denial, denial of renewal, suspension, or revocation of a permit or license is affirmed on review by the appointed hearing officer, the applicant or permit/license holder may seek prompt judicial review of such administrative action in a court of competent jurisdiction as provided by law, pursuant to California Code of Civil Procedure Section 1094.5 et seq. The city shall make all reasonable efforts to expedite judicial review in accordance with Code of Civil Procedure Section 1094.8. Any action under judicial review shall be suspended pending final administrative determination.

9.64.080 Inspections.

The permit holder shall permit officers of the City of Signal Hill, the County of Los Angeles, and each of their authorized representatives to conduct unscheduled inspections of the premises of the adult oriented business for the purpose of ensuring compliance with the law at any time the adult oriented business is open for business or occupied. The result of these inspections shall be provided to the permit holder within thirty (30) days of the inspection, and shall list any instances of noncompliance with this chapter. Notwithstanding Section 9.64.100, the permit holder must promptly cure any instances of noncompliance and failure to do so shall be grounds for revocation and/or nonrenewal of the permit.

9.64.090 Enforcement and revocation.

- A. Permit Revocation Grounds. The director may revoke an adult oriented business permit when he or she determines that any of the following have occurred:
 - 1. Any of the findings and criteria contained in Section 9.64.050 above ceases to be satisfied;
 - 2. The adult business permit or renewal application contains incorrect, false or misleading information;
 - 3. The permittee is convicted of any felony or misdemeanor which is classified as a sex or sex-related offense, any violation of the city's zoning ordinance, any violation of the city's massage ordinance, or any violation of any other adult business ordinance of any other city, county, or state;

4. Any person has been convicted of a sex-related offense as a result of any activity on the premises of the adult oriented business;
 5. Any person or persons has been permitted by the permittee to engage in any specified sexual activities on the premises, or the permittee has failed to take reasonable steps to prevent specified sexual activities on the premises; or
 6. Acts of human trafficking occurred in the adult oriented business, as defined by California Penal Code Section 11225 *et. seq.*, and the permittee has failed to take reasonable steps to prevent such acts.
- B. License Revocation Grounds. The director may revoke an adult oriented business performer license when he or she determines that any of the following have occurred:
1. Any of the findings and criteria contained in Section 9.64.045 above ceases to be satisfied; or
 2. The license or renewal application contains incorrect, false, or misleading information.
- C. Revocation Notice and Appeal. Upon determining that grounds for permit or license revocation may exist, the director shall furnish written notice of the proposed revocation to the permit/license holder. Such notice shall include the principal allegations and reasons for the revocation. The permit/license holder may appeal the decision in accordance with Section 9.64.075.
- D. Reapplication after Revocation. No person, corporation, partnership or member thereof or any other entity may obtain an adult oriented business permit or performer license for a business within one year from the revocation of the permit/license.

9.64.100 Violations and Penalties.

- A. Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer or operator, or whether acting as a participant or worker in any way, who operates or conducts or who participates in the operation of an non-permitted adult oriented business, or who violates any provisions of this chapter, including but not limited to any provision of Section 9.64.050, shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars for each offense or imprisoned for not more than six months in the county jail for each offense, or both. Each day the violation continues shall be regarded as a separate offense for which the full penalty may be imposed.
- B. Any establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance, and the city attorney may, in

addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult oriented business and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter.

10.30.030 Exceptions.

The prohibitions contained in Section 10.30.020A. and B. shall not apply to any of the following conditions, however, the burden shall be on the person claiming this exemption to prove the bona fide conditions of the subparagraph apply:

A. Any oversized vehicle or trailer displaying a valid oversized vehicle handicap parking permit issued pursuant to section;

B. Oversized vehicles or trailer parked as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle provided: (i) the City Manager is notified at the time of the emergency of the need to park the oversized vehicle or trailer; and (ii) the period of time needed for repairs does not exceed seventy-two hours;

C. Commercial vehicles engaged in the active loading or unloading of goods for a period of time which does not exceed the time required for the actual loading or unloading of goods. This time should normally not exceed thirty (30) minutes, or such other time period as posted by the Public Works Director.

D.. Commercial vehicles in connection with, and in aid of, the performance of a service, including, but not limited to, yard maintenance, pool care and maintenance, repair and construction services, to or on a property in the block or street segment where such vehicle is parked, and additional time is necessary and reasonable to complete the service

E. . Tow trucks in the course of providing services;

F. . Public or utility vehicles and trailers in the course of providing services;

G. . Any public emergency vehicle.

12.08.010 Definitions.

C. "Encroachment" means and includes any structures, objects, uses or landscaping located on, over, or under the public right-of-way, such as but not limited to, traffic control activities, vehicles and other mechanical equipment associated with construction activities.

12.08.020 Permit--Required.

A. Excavation Permit. No person, firm, or corporation as principal agent, employee, or otherwise, except officers, agents, and employees of the city acting within the scope of their employment, shall excavate in any street, avenue, court, alley, place, sidewalk, or other highway in the city without first obtaining from the city engineer or his authorized representative a written permit so to do, and without first making the deposits and paying the fees as required in this chapter. This subsection shall not be applicable to excavations performed pursuant to contracts awarded therefor by the city.

B. Encroachment Permit. No person, firm, or corporation as principal agent, employee, or otherwise, except officers, agents, and employees of the city acting within the scope of their employment, shall, as a result of or in connection with any excavation or construction activities, cause an encroachment to occur without first obtaining an encroachment permit from the city. This subsection shall not be applicable to encroachments associated with excavations performed pursuant to contracts awarded therefor by the city.

20.04.084 Borrow pit.

"Borrow pit" means any place or premises where dirt, soil, sand, gravel or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

20.04.093 Building, accessory.

"Accessory building" means a building, part of a building, or structure which is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot.

20.04.126 Cabana.

"Cabana" means any portable, demountable, or permanent cabin, small house, room, enclosure, or other building or structure erected, constructed, or placed on any trailer park site within six feet of any house trailer on the same site in a trailer park and used for human habitation; but said structure shall not be used for sleeping purposes. **20.04.219**

Reserved.

20.04.228 Day nursery or child care nursery.

"Day nursery" or "child care nursery" means any day nursery or day nursery school as defined in Section 8.16.010(B) of the this code.

20.04.243 Driveway.

"Driveway" means any vehicular access to an off-street parking or loading facility.

20.04.270 Easement.

"Easement" means a space on a lot or parcel of land reserved for or used for public utilities or for an approved and specified public or private use. **20.04.291 Fence.**

"Fence" means any permanently installed structural device forming a physical barrier which is so constructed that not less than fifty percent of the vertical surface is open to permit the transmission of light, air, and vision through the surface in a horizontal plane. (For board or other solid barriers, see Section 20.04.771.) **20.04.303**

Reserved.

20.04.345 Greenhouse.

"Greenhouse" means a building or structure constructed chiefly of glass, glass-like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants. **20.04.477 Lot line, rear.**

"Rear lot line" means a lot line, not abutting a street, which is opposite and most distant from the front lot line.

20.04.480 Lot line, side.

"Side lot line" means any lot line not a front lot line or rear lot line. **20.04.495 Lot, through.**

"Through lot" means a lot having frontage on two dedicated streets, not including a corner or reversed corner lot. **20.04.522**

Reserved.

20.04.612

Reserved.

20.04.615 Rest home or home for the aged.

"Rest home" or "home for the aged" means any building or facility which provides care for aged persons, and includes rest homes, homes for the aged or infirm, and any other uses similar thereto.

20.04.681 Stand, temporary.

"Temporary stand" means the same as "temporary structure." **20.04.714 Structure, temporary.**

"Temporary structure" means a structure which is readily movable and used or intended to be used for a period not to exceed ninety consecutive days. **20.04.717 Swimming pool.**

"Swimming pool" means any permanent structure containing a body of water intended for recreational uses, and includes wading pools. **20.04.771 Wall.**

"Wall" means any structure or device forming a physical barrier which is so constructed that fifty percent or more of the vertical surface is closed and prevents the passage of light, air, and vision through the surface in a horizontal plane.

20.10.072 Landscape materials and turf replacement

A. Maximum Percent Hardscape Area. With the exception of the established driveway allowance, the maximum area of hardscape material (permeable or non-permeable) within the front setback shall be limited to fifty percent of the setback area (includes walkways, patios and courtyards, but excludes driveways). Of the foregoing allowed maximum area of hardscape material in the front setback area, non-permeable materials, such as, but not limited to artificial turf, is limited to twenty-five percent of the setback area.

1. Area of front setback - area of required driveway = remaining front setback area.

2. Remaining front setback area x fifty percent = total allowed hardscape area.

B. Driveway Allowance. Driveways serving required garages, or providing on-site parking (for properties without garages) are excluded from the maximum fifty percent of hardscape material in front yard setbacks.

Driveway Allowance is based on required garage capacity and size	
Garage Capacity	Driveway Allowance
0 - 1 car garage	10' (max. width)
2 car garage	20' (max. width)
3 or more car garage	30' (max. width)

C. Turf in New Development. Turf in new development is subject to Chapter 13.10.

D. Turf Replacement.

1. Turf is not a required or preferred landscape material. Drought tolerant landscape materials that retain water on site are strongly encouraged when replacing existing turf.

2. Turf replacement in landscape areas of two thousand five hundred square feet or greater is subject to Chapter 13.10. (Ord. 2015-11-1481 § 6)

3. Artificial turf is considered a non-permeable material.

E. Permeable Area.

1. Residential Districts: RL, RLM-1, and RLM-2:

- i) A minimum of fifty percent of the lot area shall be permeable hardscape material, permeable landscape material, or a combination of both.
- ii) Every structure or building on a property or development site shall maintain a border on three of the four sides of such structure or building with permeable hardscape material, permeable landscape material, or a combination of both, which, with the exception of the allowance for a non-permeable path from the rear yard access, is contiguous on three sides and which extends twenty-four inches in width from the base of such structure or building and measures at least four feet in length.
- iii) A property or development site that has City-approved vent boxes installed for methane mitigation may be exempt from the requirements of Subparagraph (i) and (ii), above.

2. Residential District: RH

- i) A minimum of fifty percent of the lot area shall be permeable hardscape material, permeable landscape material, or a combination of both.
- ii) Every structure or building on a lot shall maintain a border on three of the four sides of such structure or building with permeable hardscape material, permeable landscape material, or a combination of both, which, with the exception of the allowance for a non-permeable path from the rear yard access, is contiguous on three sides, and which extends twenty-four inches in width from the base of such structure or building and measures at least four feet in length.
- iii) A property or development site that has City-approved vent boxes installed for methane mitigation may be exempt from the requirements of Subparagraph (i) and (ii), above.

F. Vent Box in New Development. New construction of any building or structure and making structural and physical improvements, additions, extensions and exterior alterations to any building or structure requires methane assessment and may require installation of vent boxes for methane mitigation.

G. Any deviation or change out of hardscape materials or landscape materials requires administrative review by the Director, and approval, prior to installation, to ensure the requirements of this Section are met and maximum methane mitigation is maintained.

Section 20.10.130 Off-street parking

The following off-street parking standards shall apply to all new residential development. Off-street parking facilities shall be provided for all residential uses in compliance with this section, sections 20.10.140 and 20.10.150 and Chapter 20.70.

Subsection (B)(9)-(10) of Section 20.10.130 Off-street parking

9. Where dwellings are subject to recorded conditions, covenants and restrictions (CCR's), the parking requirements in this subsection B shall be enforced by the homeowners' association. To enforce this subsection B, an action may be brought by the city against any individual, or against the homeowners' association, or both, to ensure compliance with said requirements.

10. Where dwellings are subject to recorded conditions, covenants and restrictions, a provision shall be included to prohibit rooms that were not considered bedrooms for purposes of parking calculations from being marketed or used as bedrooms.

Paragraph (D) of Section 20.20.070 Fences, walls and hedges.

D. Permitted Fences, Walls and Hedges. Fences, walls and hedges not greater than six feet in height shall be permitted on or within all rear and side property lines and on or to the rear of all front setback lines. No fence, wall or hedge over four feet (commercial) or three feet (industrial) in height shall be permitted in any required front yard or in the required street side of a corner lot. Fences and walls exceeding four feet in height may be approved by the community development director in consideration of a written request provided by the property owner and/or tenant identifying special safety or security circumstances which merit additional height. In no case shall a fence, wall or hedge exceeding ten feet in height be allowed. Additionally, fences greater than six feet in height require an approved security visibility treatment.

20.20.055 Landscape materials and turf replacement.

A. Maximum Percent Hardscape. Hardscape in front and street side setbacks is limited to driveways and walkways only (hardscape includes paved materials, both permeable and non-permeable). The remaining area shall be landscaped and maintained.

B. Turf in New Development. Turf in new development is subject to Chapter 13.10.

C. Turf Replacement.

1. Turf is not a required or preferred landscape material. Drought tolerant landscape materials that retain water on site are strongly encouraged when replacing existing turf.

2. Turf replacement in landscape areas of two thousand five hundred square feet or greater is subject to Chapter 13.10.

3. Artificial turf is considered a non-permeable material.

D. Permeable Area.

1. A minimum of fifty percent of the lot area shall be permeable hardscape material, permeable landscape material, or a combination of both.

2. Every structure or building on a property or development site shall maintain a border on three of the four sides of such structure or building with permeable hardscape material, permeable landscape material, or a combination of both, which, with the exception of the allowance for a non-permeable path from the rear yard access, is contiguous on three sides and which extends twenty-four inches in width from the base of such structure or building and measures at least four feet in length.

3. A lot that has City-approved vent boxes installed for methane mitigation may be exempt from the requirements of Subparagraph (1) and (2), above.

E. Vent Box in New Development. New construction of any building or structure and making structural and physical improvements, additions, extensions and exterior alterations to any building or structure requires methane assessment and may require installation of vent boxes for methane mitigation.

F. Any deviation or change out of hardscape materials or landscape materials requires administrative review by the Director and approval, prior to installation, to ensure the requirements of this Section are met and maximum methane mitigation is maintained.

Footnote (12) of Section 20.30.030 “Use classification”.

12. Reserved.

First table under Paragraph (A)(2) of Section 20.39.030 “Land use”

Miscellaneous	
	Bakery
	Laundry, on-site plant
	Lawn mower or small engine repair indoors with all equipment stored with an enclosed yard
	Medical, dental and optical lab
	Post office/ distribution center
	Television or radio transmitting
	Utility distribution/transmission substations
	Temporary construction office trailer only during construction of building on the same lot
Services	
	Animal veterinarian/ hospital/grooming, no kennel

	Auction house
	Auto engine and transmission repair indoors and with all stored vehicles within an enclosed yard screened from public view
	Auto/motorcycle repair and parts exchange in an enclosed building
	Auto upholstery, recreational vehicle conversion indoors with all stored vehicles within an enclosed yard screened from public view
	Boat repair indoors with all stored boats within an enclosed yard screened from public view
	Bicycle repair

20.52.030 Review procedures.

A. Informal Review. Prior to filing a formal application for site plan and design review, applicants are encouraged to submit drawings to the department of planning and community development for informal review and comments. Electronic submittal of the drawings is preferred but not required.

20.52.040 Application and submission of site plan.

A. Application Requirements.

1. For review by the director of community development, pursuant to Section 20.52.030, the applicant shall submit a completed site plan and design review application on a form provided by the department, site plans, and required fees.

2. For review by the planning commission, pursuant to Section 20.52.030, the applicant shall submit a completed application, and all required fees to the department of planning and community development. The applicant shall also submit architectural elevations, landscape and site plans, stormwater protection plans (also known as low impact development plans ("LID Plan").), preliminary grading plans , and any other supporting documentation such as title reports, photographs, material boards, etc., required by the department of community development. Electronic submittal of the foregoing is preferred but not required.

20.52.060 Expiration and revision.

A. Following the completion of the review procedure set forth in Section 20.52.030, written notification of approval and any conditions thereof shall be made to the applicant. Construction of the improvements set forth in the approved site plan shall be commenced within one (1) year from the date the approved site plan is signed by the director community development.

1. Extension. Site plan and design review approval shall expire and become null and void one (1) year from the date of its approval pursuant to subsection (A), unless

a written request for extension is received by the director of community development at least thirty (30) days prior to such expiration. Upon receipt of written request for extension, the director of community development may grant an extension of site plan and design review approval for a period not to exceed one (1) year from the original date of expiration, or may refer such request to the planning commission for determination. In no event, however, shall any such extension be granted for a period which exceeds one (1) year from the original expiration date.

20.64.060 Commission hearing--Conduct and determination.

B. The commission shall announce its recommendation by resolution within forty days after the conclusion of the public hearings. The resolution shall set forth the findings of the commission and any recommended conditions, including time limit, deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the community as a whole.

C. The resolution, in the case of all conditional use permits, shall be mailed to the applicant at the address shown in the application. The applicant or any person aggrieved may appeal any recommendation of the commission to the council by filing a written notice of appeal after the decision. Such appeal shall set forth the reason therefor.

Reserved.

Section 20.66.225 "Mechanical Equipment".

Mechanical equipment must be screened from public and private views.

20.70.010 Purpose.

The purpose of this chapter is to provide for regulation of off-street parking within all commercial, industrial, residential and open space districts. In addition, access to parking, parking lot lighting, parking lot landscaping, driveway design, and required aisle widths are also regulated within this chapter.

The parking facilities for motor vehicles required by this chapter are assumed to be the minimum which will be required by the various land use categories. However, the parking and maneuvering facilities required by this chapter should not be used as a fixed standard to determine the amount of off-street parking which may be adequate for any specific use. If the decision-maker determines minimum parking standards are inadequate for a specific project, they may require the developer, owner or operator of any specific use to provide the adequate parking even though such addition may be in excess of the minimum requirements set forth in this chapter. It is intended that these regulations will result in the installation of properly designed parking and loading facilities of sufficient capacity to minimize traffic congestion, enhance public safety, generally provide for the parking of motor vehicles at locations other than on the streets, and for safe passage of pedestrians to and from parked vehicles.

20.70.020 General standards.

B. Where automobile parking is provided and maintained on a lot in connection with a main building or structure on or before the effective date of the ordinance codified in this chapter and is insufficient to meet the requirements for the use as provided in this title, or where no such parking has been provided, such automobile parking may be continued as a nonconforming use. Any such building or structure may be altered or enlarged only if parking is provided in conformance with the provisions of this title for the portion of the building or structure altered, added to, enlarged or extended. Existing parking may not be counted toward meeting the required parking for the alteration, addition, enlargement or extension. Whenever the occupancy or use of any premises which is not in compliance with off-street parking requirements is changed to a different use or the existing use is altered, enlarged, expanded or intensified, parking to meet the requirements of this chapter shall be provided for the new use or occupancy.

C. In the case of a legally existing residential use in a residential district, on or before the effective date of the ordinance codified in this chapter where additional dwelling unit(s) are permitted, parking in conformance with this title or state law shall be required only for the new dwelling unit(s).

F. No motor vehicle, house trailer, camper shell, tent trailer, watercraft, or utility trailer, including trailers used to transport boats, motorcycles, automobiles, recreational vehicles, household goods or construction equipment shall be parked in any front yard or side yard unless parked on a driveway. For purposes of this subsection, yard shall include not only the required open space area as defined in this code, but also the area between the respective setback line, as defined in this code, and the opposing exterior building wall. Driveway shall be defined as in Section 20.04.243 or as legally constructed and in use prior to the effective dates of Section 20.04.243 of this code provided such driveway is joined with an adjacent alley or street by a city-approved curb cut, ramp, and/or other appropriate transition.

G. All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds.

H. The required off-street parking facilities and driveways shall not be used for any purpose which at any time would preclude the use of the area for vehicle parking in conjunction with a permitted use. Unless otherwise provided by an approved discretionary permit, no owner, management company or other individual or entity acting on the owner's behalf, or tenant shall lease, rent or otherwise make unavailable to intended users any off-street parking spaces required by this chapter.

Paragraphs (A) –(B) of 20.70.030 Number of parking spaces required, by use.

A. The following uses shall provide parking spaces in accordance with the minimum requirements set forth in this section.

Uses	Minimum Required Parking
Automobile repair shop	1 space per 500 sq. ft. G.F.A. (gross floor area)
Automobile, truck, recreational vehicles, and boat sales,	leasing (new or used) exclusive of repair areas1 space per 400 sq. ft. G.F.A.
Banks, savings and loans	1 space per 200 sq. ft. G.F.A.
Bars, cocktail lounges, nightclubs, dancing, entertainment, alcohol beverage manufacturing with tasting rooms	1 space per 100 sq. ft. G.F.A.
Business colleges, technical schools (adult)	1 space per classroom, plus 1 space per 2 students (based maximum capacity), plus 1 space per 250 sq. ft. of office area
Bowling alleys	5 spaces per alley
Churches, meeting halls, stadium, museums, auction houses	1 space per 5 permanent seats or 1 space per 40 sq. ft. of assembly area whichever results in the greatest number of parking spaces
Commercial uses, not specifically listed in this section	1 space per 250 sq. ft. G.F.A.
Care facility, including convalescent center, residential for the elderly, community	.5 spaces per bed plus 1 space per 250 sq. ft. of intermediate care facility, skilled nursing, office area
Fraternity or sorority house	1 space per 200 sq. ft. G.F.A.
Furniture store	1 space per 1,000 sq. ft. G.F.A.
Gasoline service station	1 space per 200 sq. ft. G.F.A.
Grocery store	1 space per 200 sq. ft. G.F.A.
Guest parking (senior citizen housing)	1 space per 10 dwelling units
Gymnastics academy	1 space per 1,000 sq. ft. of open training floor area plus 1 space per 200 sq. ft. of office and seating area
Hospital	1.5 spaces per bed plus 1 space per 200 sq. ft. of office area
Industrial uses not specifically listed in this section	1 space per 1,000 sq. ft. G.F.A.
Machinery shop	1 space per 1,000 sq. ft. G.F.A.

Manufacturing uses not specifically listed in this section	1 space per 1,000 sq. ft. G.F.A.
Nursery school, preschool	1 space per 500 sq. ft. G.F.A.
Offices, general	1 space per 250 sq. ft. G.F.A.
Offices, medical	1 space per 200 sq. ft. G.F.A.
Private and parochial schools (K-8)	1 space per classroom, plus 1 space per 250 sq. ft. of office area
Private commercial schools, including dancing	1 space per classroom, plus 1 space per 250 sq. academies, music instruction, karate, etc. ft. of office area
Rental car agency	1 space per 250 sq. ft. of office area, plus 1 space per employee, plus 3 customer drop-off parking spaces, plus a minimum of 3 rental car storage spaces
Residential uses	All residential parking provisions, requirements and standards shall be in accordance with Section 20.10.130 of this code
Restaurant, fast food, including drive-thru	1 space per 100 sq. ft. G.F.A.
Restaurant, take-out	1 space per 250 sq. ft. G.F.A.
Retail, general	1 space per 250 sq. ft. G.F.A.
Retail shopping center in excess of 100,000 G.F.A.	1 space per 200 sq. ft. G.F.A.
Senior citizen housing (OS district only)	1 space per dwelling unit (at least 50% of which must be enclosed) and any guest parking required by this chapter
Storage, warehouse	1 space per 1,000 sq. ft. G.F.A.
Theaters, multiple-screen and playhouse (live)	1 space per three seats
Theaters, single-screen	1 space per two seats

B. Combination of facilities shall provide the number of spaces required for each facility and the spaces provided for one facility shall not be construed as satisfying the requirement for another facility, except in the case of retail shopping centers. Whenever any commercial/industrial use is located on a building site that is also used for residential purposes, parking facilities shall be provided for the residential use as required, in addition to the parking required for the nonresidential use or uses.

Paragraphs (G) and (H) are added to 20.70.030 Number of parking spaces required, by use.

G. All land uses shall provide off-street parking in compliance with the above requirements unless otherwise modified by the provisions contained in this chapter. The off-street parking requirements listed under this section are the minimum requirements for each specific use; however, it shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking, even though such parking is in excess of the minimum requirements set forth in this section.

H. If no provisions for the required number of off-street parking spaces are set forth in these regulations, or the provisions are not clear for any specific use or uses, the director of community development, shall determine the number of off-street parking spaces required.

20.70.060 Lighting.

Exterior lighting provided to illuminate parking, display, sales or pedestrian areas shall be shielded, hooded and so designed and arranged as to prevent a nuisance to surrounding or nearby properties from occurring, including public rights-of-way.

20.70.070 Access and location.

E. Parking shall be provided as follows:

1. On the same lot or parcel as the building(s) or use(s) being served, except as otherwise permitted pursuant to section 20.70.120;
2. By participation in an assessment district, established for the purpose of providing an off-street parking facility for multiple uses within the vicinity;
3. By participation in shared parking, so long as the shared parking arrangement complies with section 20.70.110.

20.70.080 Parking area surfacing and grades.

The following standards shall apply to grading and surfacing of all private parking areas:

A. All new and reconstructed parking lots shall be permanently surfaced with asphalt concrete or portland cement concrete or other all-weather, non-erodible, hard surfacing. Private parking areas, and driveways, in the RL, RLM-1, RLM-2, PD-1 and PD-2 districts shall be surfaced with a minimum thickness of four inches of portland cement concrete over compacted native soil. Portland cement concrete or asphalt concrete shall be used in all other districts. The required pavement section shall be reviewed and approved by the city engineer prior to the issuance of grading permits. The determination shall be based upon engineering analysis of the subgrade soils, slope conditions and anticipated traffic loads. All paving materials and installations shall be per city engineer's standards.

20.70.080 Parking area surfacing and grades.

F. The maximum grades in this section will generally provide adequate site distance at street level and prevent vehicles from dragging on extreme grade breaks. Exceptions may be approved by the city engineer where physical design prevents such extreme grade breaks and provides safe sight distance.

20.70.100 Exceptions and alternatives to off-street parking regulations.

Notwithstanding the requirements of this chapter, exceptions, reductions and alternatives to the provisions of any of the off-street parking regulations may be requested as part of a site development permit or part of a discretionary application approved by the planning commission (i.e., use permit or site development permit) or an administrative development approval, pursuant to sections 20.70.110, 20.70.120 or 20.70.130.

20.70.110 Shared Parking.

This section shall apply to nonresidential districts. Two or more nonresidential structures or uses may share use of the same off-street parking spaces to meet the requirements of this chapter, where the normal peak hours of operation for the buildings or uses are staggered in such a manner that the joint use of the same parking spaces is feasible, and where the total quantity of spaces provided is at least equal to the total of the projected parking demand for the structures or uses in operation at any given time. Shared parking shall only be permitted where the following requirements have been satisfied:

A. The applicant shall prepare and submit to the director of community development, for review and approval, a shared parking study, analyzing the parking supply and demand that shall include information such as:

1. A site plan showing all parking spaces, building square footage and tenant spaces within the complex(es) or area(s) participating; and
2. Evidence justifying that the peak hour parking demand from all building(s), use(s) and tenant(s) does not create conflicting or simultaneous demand for the shared spaces. Conflict will be evident where hours of operation for tenants, buildings, and/or uses coincide. Evidence from a minimum of two sources must be used to support conclusions. Sources supporting parking caps or maximum parking requirements shall not be used. At a minimum, the following evidence shall be provided to support the justification:
 - a. Weekday Monday to Friday trip generation counts (separate a.m. and p.m. counts);
 - b. Saturday trip generation counts;
 - c. Sunday trip generation counts;
 - d. A comparison to show that the parking demand does not exceed the amount of parking available; and
3. A joint use parking matrix with the following information:
 - a. Project building(s) and tenant address(es);

- b. Gross square footage of all buildings and tenant spaces;
 - c. The name, type of each use(s), and the days and hours of operation for each tenant; and
 - d. The number of parking spaces required by Section 20.70.030 for each tenant based on each tenant's gross square footage and/or type of use.
- B. The following additional requirements shall apply to all requests for shared parking:
 - 1. The parking study shall include an analysis that addresses how to accommodate temporary increases in parking demand.
 - 2. A contingency plan which includes steps to be implemented to decrease parking demand.
 - 3. If applicable, the parking study shall include a customer/employee parking analysis based on the land use to determine the number of parking spaces required to satisfy customer and employee parking.
- C. Shared parking requests shall be reviewed and decided by the director of community development in accordance with the review procedures set forth in section 20.52.030.
- D. Together with a request for shared parking, the applicant shall provide a written shared parking agreement signed by the owner(s) of the property upon which the shared parking is to be located. The agreement shall establish rights to the shared parking requested in the application. The agreement shall provide that the agreement may not be terminated and no amendment or modification of the agreement that would materially affect rights to parking may be made without the prior written approval of the city attorney and director of community development for the shared parking request. Approval of the request for shared parking shall be conditioned upon approval of the agreement by the director of community development, director of public works, and the city attorney, which approval shall not be unreasonably withheld provided the agreement satisfies the requirements of this section. The agreement shall be fully executed prior to the issuance of any permits, or if the structure or use does not require a building permit, within 60 days after approval of the shared parking request.
- E. In the event of a change in use, a new request for shared parking shall be filed or the existing agreement amended to the satisfaction of the director of community development.

Section 20.70.120. Offsite Parking Facilities.

Requests for off-site parking facilities must meet the following requirements:

- A. The entirety of each parking space permitted for off-site parking shall be located within 500 lineal feet of the building(s) and/or use(s) the spaces are intended to

serve. A means of safe pedestrian access shall be provided between the off-site parking spaces and the building(s) and use(s) the spaces are intended to serve. The director of community development and the director of public works/city engineer shall review and recommend approval of the means of providing the required access and its level of safety, which approval shall not be unreasonably withheld if the level of safety and means of access comply with the existing traffic and safety standards, practices, and policies of the city. The directors may recommend approval of use of shuttle, valet, or other alternative means of access where no other safe means of access is feasible.

B. Off-site parking facility requests shall be reviewed and decided by the director of community development in accordance with the review procedures set forth in section 20.52.030.

C. Together with a request for an off-site parking facility, the applicant shall provide a written off-site parking facility agreement, suitable for recording, signed by the owner(s) of the property upon which the off-site parking facility is to be located. The agreement shall establish rights to the off-site parking facility requested in the application. The agreement shall provide that the agreement may not be terminated and no amendment or modification of the agreement that would materially affect rights to parking may be made without the prior written approval of the city attorney and the director of community development for the off-site parking request. Approval of the request for the off-site parking facility shall be conditioned upon approval of the agreement by the director of community development, director of public works, and the city attorney, which approval shall not be unreasonably withheld provided the agreement satisfies the requirements of this section. The agreement shall be recorded with the Recorder for the County of Los Angeles within 45 days after approval of the off-site parking request by the planning commission and director of public works.

D. In the event of a change in use, a new request for off-site parking facilities shall be filed or the existing agreement amended to the satisfaction of the director of community development.

Section 20.70.130 Reductions in parking requirements.

A. Instead of the methodologies used in Sections 20.70.110 and 20.70.120 or a minor deviation pursuant to 20.84.110(B)(3), requests for reductions in the schedule of required minimum off-street parking provided by section 20.70.030 may be approved, provided they meet the following requirements:

1. The director of community development may approve parking reductions of up to 10% on modifications to existing development and the planning commission may approve parking reductions of up to 10% on new development, provided the following has been satisfied:
 - a. The director of community development or planning commission as applicable has considered a parking study, pursuant to subsection (A)(2), submitted by the applicant, and has determined that there is

evidence that the parking demand will be less than the requirements in section 20.70.030 for the life of the project.

- b. The director of community development or planning commission as applicable has determined that the parking reduction contributes to community amenities or improvements which otherwise could not be accommodated.
2. Parking studies for parking reductions shall meet all of the following criteria:
- a. The parking study shall be prepared by a California State-licensed traffic engineer.
 - b. The study shall include evidence justifying that the forecasted parking demand from all building(s), use(s) and tenant(s) is less than the code requirement.
 - c. To ensure relevance to local projects, the study shall include actual survey data from a minimum of five local examples, to the fullest extent possible. When necessary, regional examples may be used.
 - d. Evidence from a minimum of two sources must be used to support conclusions. Sources supporting parking caps or maximum parking requirements shall not be used. At a minimum, the following evidence shall be provided to support the justification:
 - i. Weekday Monday to Friday trip generation counts (separate a.m. and p.m. counts);
 - ii. Saturday trip generation counts;
 - iii. Sunday trip generation counts;
 - iv. A comparison to show that the parking demand does not exceed the amount of parking required or available; and
3. The parking study shall include an analysis that addresses how to accommodate temporary increases in parking demand.
4. A contingency plan to be recorded as a deed restriction in perpetuity, which includes steps to be implemented to decrease parking demand.

21.28.030 Impact fees.

Unless otherwise specified in this title, all impact fees shall be paid directly to the city cashier on the date of the city's issuance of the first building permit for the project. In the case of residential dwelling units, the city may require payment on a pro rata basis for each dwelling or upon a percentage of dwellings when they have received a building permit from the city. Notwithstanding the foregoing, the city may require earlier payment of such fees if necessary to reimburse city for previous expenditures or if the fees are collected for improvements for which the city has established an account, appropriated

funds, and set a construction schedule or plan for the improvements prior to the issuance of the first building permit for the project.